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Free Minds and Free Markets

Four-Wheel-Drive Fantasies
A defense of the SUV

***Stand and Deliver* Revisited**
The famous rise and shameful fall of America's master math teacher

Doonesburied
The decline of Garry Trudeau and of baby boom non-conformity

Color Schemes
The libertarian case for affirmative action

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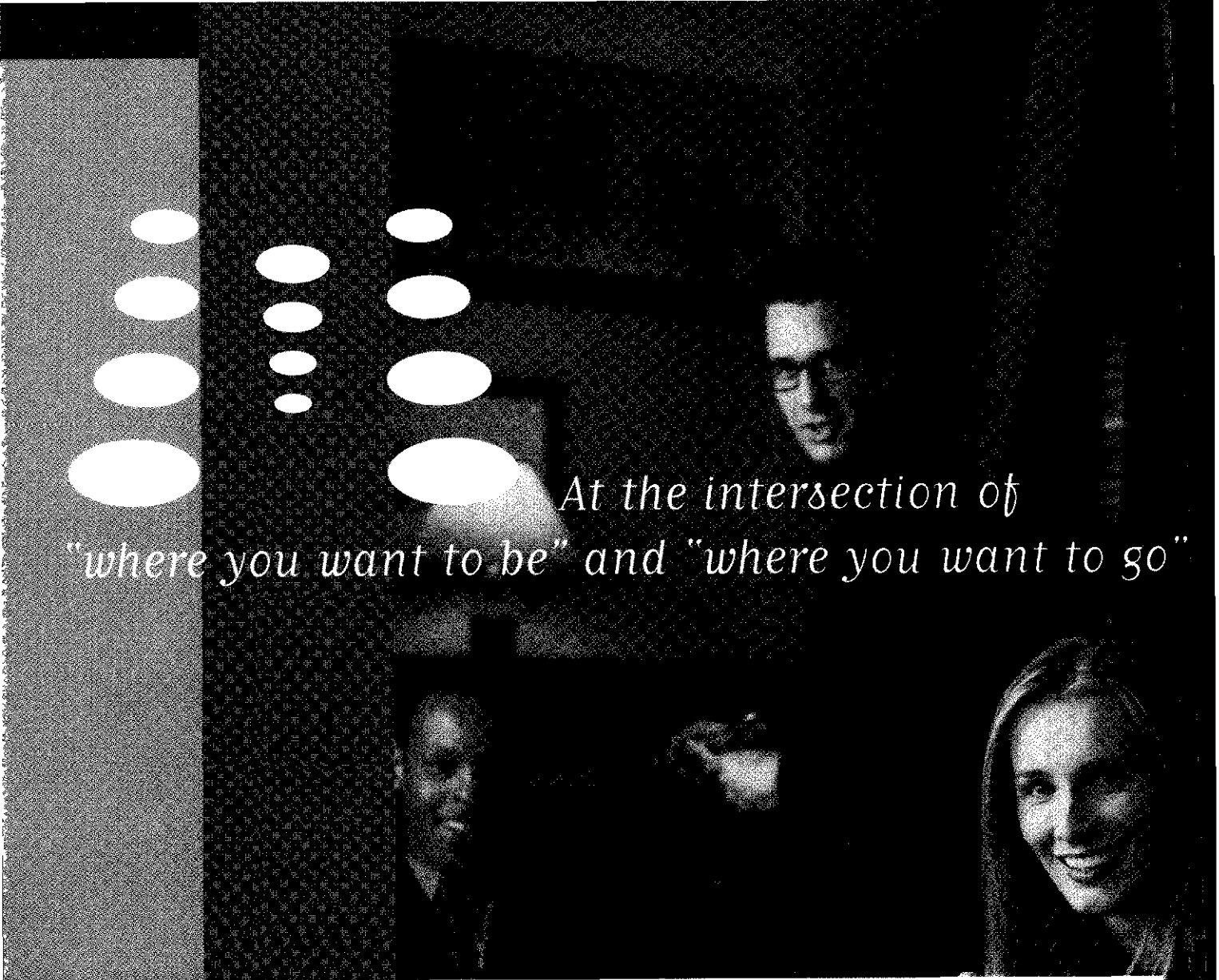

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Departments

4 **Editor's Note**

6 **Contributors**

8 **Letters** Deaf pride, back to Bedrock, carnage and culture...

12 **Citings** Kiddie umpire crackdown, social capital online, campus drug wars, freedom's feminist...

Columns

18 **Taxed Happy** Two economists provide legislators with another reason to boost taxes. *Mike Lynch*

22 **License to Kill** Men and women, crime and punishment. *Cathy Young*

24 **Rant: Saddam Hussein, Novelist** A tyrant's glowing reviews. *Charles Paul Freund*

25 **Ex-Pats Say the Darnedest Things** Tracking the ugliest Americans abroad. *Peter Bagge*

Features

26 **Four-Wheel-Drive Fantasies** A defense of the SUV. *Hans Eisenbeis*

34 ***Stand and Deliver* Revisited** The untold story behind the famous rise—and shameful fall—of Jaime Escalante, America's master math teacher. *Jerry Jesness*

40 **Breast Men** Mexican immigrants want to filet our chickens. The INS is determined to stop them. *Melinda Ammann*

Culture & Reviews

48 **Doonesburied** The decline of Garry Trudeau—and of baby boom liberalism. *Jesse Walker*

53 **This Magic Mona** The medieval appeal of a modern icon. *Charles Paul Freund*

54 **Color Schemes** Can affirmative action be reconciled with liberal individualism? *Richard A. Epstein*
The Anatomy of Racial Inequality, by Glenn C. Loury

58 **New Criticism** A history of the 1990s misses the good old days—and the truth. *John J. Pitney Jr.*
The Best of Times: America in the Clinton Years, by Haynes Johnson

60 **Can't Stop the Music** Don't cry for the record company man. *Brian Doherty*

63 **A World in Peaces** Thirty years after Vietnam, David Halberstam misses the best and the brightest. *Michael Young*
War in a Time of Peace: Bush, Clinton and the Generals, by David Halberstam

66 **Artifact: Skin Deep** Human data chips get small. *Jesse Walker*

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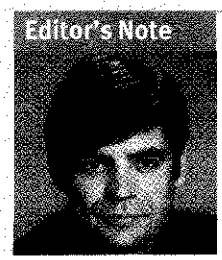

If, as this month's cover story suggests, we are what we drive, then I've got some explaining to do (see "Four-Wheel-Drive Fantasies," page 26). Consider the cars I've owned since I got my driver's license 22 years ago. They include a 1970 Chevy Impala with a rusted-out trunk and missing floorboards; a 1970 Plymouth Valiant boasting an exterior color that I'm sure was euphemistically dubbed something like "lustrous dung"; a 1979 Chevy Malibu with a nonworking driver's side door; and a 1982 Toyota Tercel on which I used a padlock to secure the trunk.

It was well into the '90s—and the largest peacetime economic expansion in U.S. history—before I even owned a car that had been built in the decade in which I was driving it. That momentous occasion came in 1996, when my wife and I bought our first new car, a Nissan Sentra, precisely because it was the cheapest car on which we could easily lay our hands. Two years later, we supplemented that subcompact dream machine with another unabashedly low-end automobile, a Ford Escort wagon.

What do my cars say about me? First and foremost, that I don't care much about cars. (Fortunately, neither does my wife.) Wheels have never been particularly important to me, except as a strictly utilitarian means of transportation. In high school and the early years of my working life, I spent what little disposable income I had on other sources of gratification and self-fashioning, from travel to books to more education. Even now, though I'm flush enough to buy pretty much whatever I want, I remain interested in little more than minimal comfort, reliability, and style when it comes to cars.

This puts me at a distance from the vast number of people who see their vehicles as extensions of themselves. In his "defense of the SUV," Hans Eisenbeis looks in particular at the psychic lure of the massively popular sport utility vehicle as a personal marker. He sketches the associations that both manufacturers and owners prefer when characterizing such cars. "SUVs," he writes, "have some interesting things to say about us....We are free; we are individuals; we want access to wilderness and new frontiers; we are self-reliant. Taken as a whole, the qualities of the SUV are quintessentially American.... The SUV could not have originated in any other country."

Though I don't share a love for SUVs, it's easy—and important—to understand the process of creating an identity through consuming things. We send signals about who we are, what we believe, and what we value through the stuff we buy. It's easy to write all such activity off as shallow "consumerism," but it also gives us great pleasure and allows for wildly different visions of self-expression as we combine mass-produced items in highly personalized ways. The great genius of the United States may well be that it generates a mind-boggling array of products that can be used to create an endless number of personal statements. What's more, these building blocks of identity are generally available to anyone who is willing to work for them.

Which makes the story told in "Breast Men," by Melinda Ammann (page 40), all the more enraging. Amador Anchondo-Rascon has spent time in jail for his role in helping illegal immigrants come to this country and work at a Tyson chicken plant in Tennessee. Anchondo-Rascon has admitted to breaking some laws, but the real crime is an immigration system that denies legal entry and opportunity to people who want to share in, and add to, our bounty. When their attempts at building a new life—and a new identity—are thwarted, we're all impoverished.

Nick Gillespie

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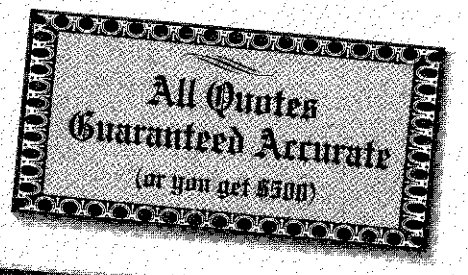

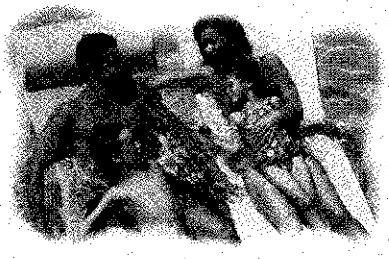

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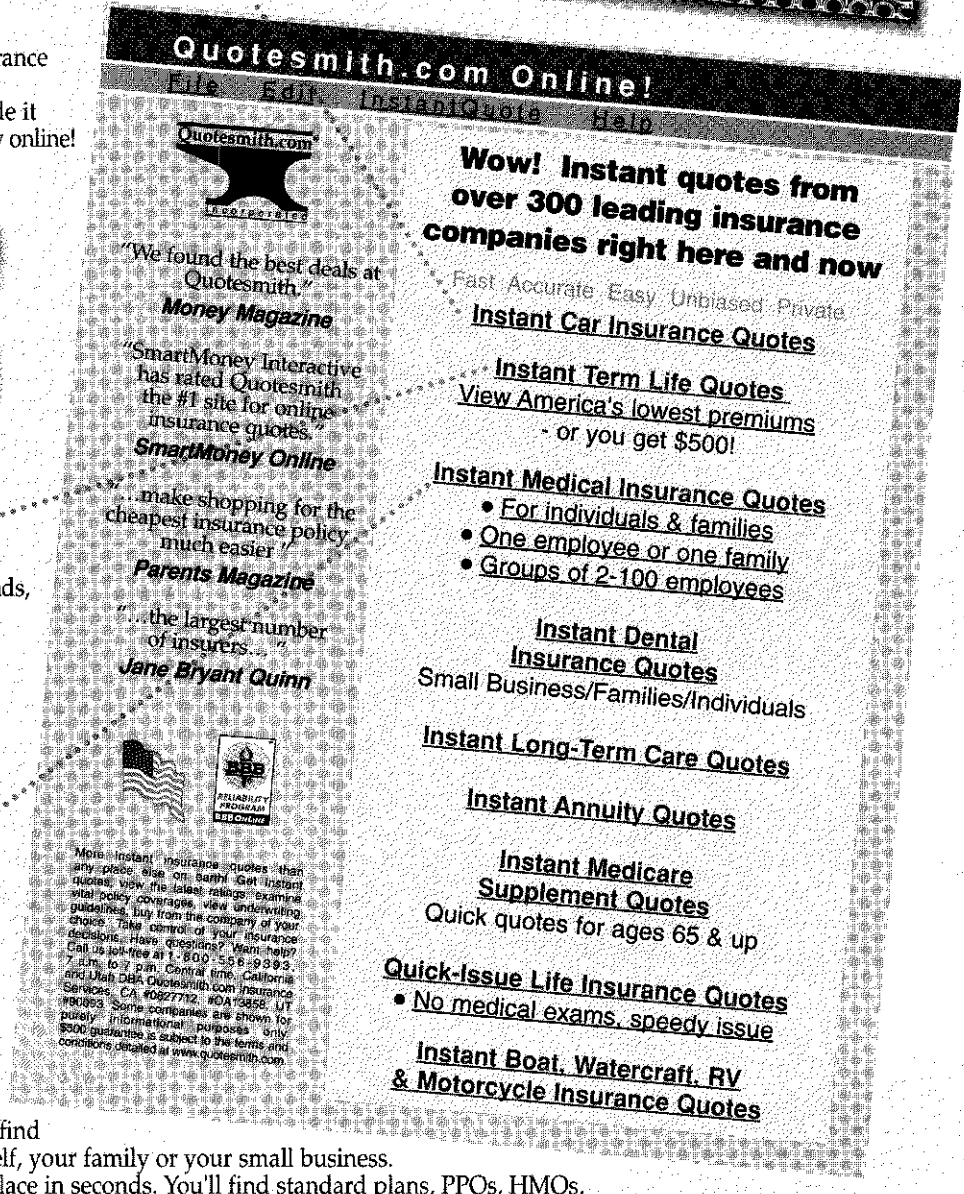
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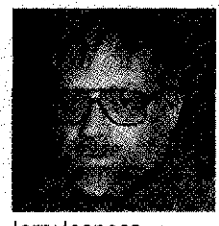
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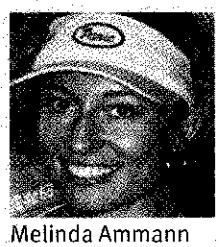
Melinda Ammann

Oddly enough, SUV defender HANS EISENBEIS prefers two wheels to four ("Four Wheel Drive Fantasies," page 26). "My primary mode of transport is the bicycle," says Eisenbeis, who commutes 20 miles daily to the offices of *The Rake*, the glossy new Minneapolis monthly that he edits. Still, he relies on his adored Toyota RAV to cart around his three children and to brave the Minnesota winters. Eisenbeis is a former senior editor at *Spin* and was a frequent contributor to the late webzine *Suck* during the dot-com heyday, a time he describes as the "summer of love for my generation."

If only JERRY JESNESS had had a teacher like Jaime Escalante, the legendary calculus instructor featured in "*Stand and Deliver* Revisited" (page 34). "I say with some shame that I bailed out of math after high school geometry," says Jesness, a veteran teacher whose previous stories for **reason** include "Why Johnny Can't Fail" (July 1999), "Workshop Wonderland" (August/September 2000), and "Texas' Big Test" (November 2000). Currently a special education teacher in Los Fresnos, Texas, about 30 miles from the Mexican border, Jesness also has taught on Native American reservations. A fluent Spanish speaker, he has just finished a book, tentatively titled *How Am I Supposed to Teach These Kids to Speak English?*

Freelance writer MELINDA AMMANN swears she's been to jail only once—and that was to research "Breast Men," her article about illegal immigrants working in a Tennessee chicken plant (page 40). While she may not know much about prisons, she's more familiar with factories and the people who work there. "In Marshalltown, Iowa, where I grew up," she explains, "one of the three main employers is a pork packing plant. My mother started working there on the assembly line, alongside mostly Mexican immigrants." Ammann is something of a migrant herself. First, she left rural Iowa for Washington, D.C., where she worked for the Institute for Justice, a nonprofit law firm. Last year, she headed south to Atlanta in pursuit of the good life.

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Sound Judgment

Cathy Young calls the Deaf Pride movement a "reductio ad absurdum" ("Sound Judgment," April). Is that Latin for nucking futs? Deaf parents refusing to allow their deaf daughter a cochlear implant for "cultural" reasons is just outrageous.

My hearing's toast, a combination of RH factor and scarlet fever as an infant, along with guns, chainsaws, and other power toys later in life. While I still do OK in "normal" society, I twitch to contemplate what my life will be like if, when my hearing goes completely, an implant can't fix it. The thought of practical isolation from the wider world should frighten everyone. Yet it seems that various groups—not just the deaf—seek precisely that, wallowing in their isolation and their insular views under the fig leaf of "cultural diversity," often state-subsidized.

And yet diversity-niks criticize the rest of us for being small-minded? I do know the hand signal for what I think of that, and it needs no translation.

Dave Skinner
Whitefish, MT

Cathy Young does not know what being deaf is. Why should she make a mockery out of it? "Maybe the best way to learn something from the Deaf Pride movement is to see it as a reductio ad absurdum of modern identity politics," she writes. This is an insult to all of the Deaf Community. It borders on blatant racism.

Carl Denney
Via e-mail

Cathy Young made a few good points, but I found her piece biased and poorly researched. American Sign Language does not "impose unique and severe limitations on its users." She cites the example of not being able to sign when your hands are full. Can the hearing talk when their mouths are full? No, but the deaf can. Another advantage of signing over speaking: signing to someone across a loud, crowded room, or through a window. English and ASL both have their benefits.

I think the deaf do realize the contradiction in accepting government funding and legal protections for the disabled while at the same time advocating themselves as a cultural minority. However, how successful would they have been in obtaining legal protections of their own (such as mandated interpreting services) if they hadn't joined with other disability groups?

The anger that Young discusses (picketing at oral deaf schools, for example) is perhaps a backlash on the part of the deaf community after years of "benevolent" hearing people controlling their lives and denying them their language (ASL). The history of the deaf is complicated and it seems Young has not taken this history into account.

Finally, Young seems to tout cochlear implants as a cure for deafness. This cannot be farther from the truth. A cochlear implant can help some deaf people hear better in certain situations, such as one-on-one conversations. It may amplify certain sounds in their environment. But what it cannot do is make a deaf person hear as a "normal" person would. If this were the case, there would not be any need for my interpreting services for my many deaf clients with cochlear implants.

Adrienne Kearney
Dallas, TX

Cathy Young replies: Adrienne Kearney is correct in pointing out that cochlear implants are not a "cure" for deafness. However, particularly when performed early in life, the procedure does in

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many cases enable the recipient to function normally, and in most other cases results at the very least in substantial improvement. What's more, as even some deaf activist groups recognize, the technology has improved considerably since its inception.

Sure, one can cite a few instances in which users of sign language are advantaged over hearing people—just as one can cite a few situations (e.g., functioning in total darkness) in which blind people are advantaged over the sighted. And even those are debatable; for instance, since people generally use their hands when eating, I doubt that a user of ASL has much of an advantage over an oral speaker in carrying on a conversation at the same time, and seeing another person across a crowded room doesn't seem easier than hearing him or her. In any event, the fact is that hearing (like sight) is one of the most basic faculties of the mammalian organism. Its absence is not a racial identity, as Carl Denney's letter would imply; it is a defect. Many people can live happy, productive, reasonably full lives despite this defect (just as do people with many other disabilities). But to suggest that a cure—even a partial cure—for this condition would be in any way detrimental is...well, Dave Skinner put it rather well.

Back to Bedrock

I love **reason**, but I'm wondering if all the illegal drugs that Nick Gillespie used to take are finally getting to him ("Back to Bedrock," April). He has a right to speak out against President Bush, but when he refers to him as "the millionaire president who waited out the Vietnam War in the Texas Air National Guard," it reminds me of the garbage rhetoric that I might see if I were reading Ted Rall, or Susan Sontag, or one of the other hate-mongering, America-bashing, leftist whiners. That kind of ad hominem attack is not only disrespectful to a man who is doing a damned good job as commander-in-chief (with approval ratings of more than 80 percent); it detracts from the whole point of the article.

I know Gillespie is at the top of the masthead, but maybe he should run his next Rant past a few of the more mature—and less drug-addled—staffers before he sends it out for printing.

Apart from that, keep up the great work. I learn something new in every issue.

Brother Mike Robinson SGR
Braintree, MA

Fringe Finance

Mike Lynch's "Finance on the Fringe" (April) was excellent. I just got into a discussion with my fiancée about a similar issue—high-interest credit cards. She's from an upper-middle-class background and was completely shocked that it's "legal to charge such a high rate of interest."

Lynch has correctly identified the crux of the issue: an inability to imagine people who, by their own choice, aren't marching lockstep on the trail to suburbia (incidentally, I love suburbia), combined with a desire to have the not-so-poor subsidize the utopian eradication of poverty. We've gone from believing that poverty is caused by individual immorality to believing that the poor are witless pawns of "corporate greed."

A. Clayton
Marietta, GA

Heavy Breathing

I'm writing regarding Catherine Seipp's "Asthma Attack" (April). I'm one of two 10th District Parent-Teacher Association representatives to the Los Angeles Unified School District's Safety Committee. Several years ago we lobbied the school board to make it very clear to employees that inhalers are not contraband and should be readily available, and that the board's medication policy should reflect this. Our efforts ensured that the policy Seipp cited addressed inhalers.

We are still working to ensure that the medication policy, which is based on state law, does not restrict children's access to their medications. California law requires parents to involve the school when their child takes a medication only if they want the school to assist the child. Parents who send their child to school with an antibiotic to take at lunch are not breaking any law, even though many school officials think that no drugs, including over-the-counter medications, are allowed without specific permission.

L.A. schools do not have and never have had a zero tolerance drug policy. They do have a great many employees engaged in wishful, delusional, and sometimes harmful thinking who believe they can make their own policy.

Helen Fallon
Venice, CA

Arrogant school administrators who steal children's asthma inhalers in defiance of doctors' orders are practicing medicine without a license. Why doesn't anyone jail them for that?

Esther M. Cook
Denver, CO

Carnage and Culture

The title and subtitle of Chris Bray's review of my book *Carnage and Culture* make the charge that my book "abuses the past" and is "torturing history" ("Torturing History," April). Bray himself characterizes the book—and me personally—as "loud," "sloppy," "a wrecking ball," and "ugly." These

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are serious allegations that deserve a response.

Bray thinks the book's argument is "military freedom." This is false. The theme is the array of advantages that historically accrues to Western militaries because of a variety of cultural practices and values. A single chapter of nine is devoted to freedom. Eight others discuss civic militarism, decisive battle, landed infantry, technology, capitalism, discipline, individualism, and dissent.

Bray calls military freedom "my career argument." This is false. I wrote one previous book, *Soul of Battle,* that discussed democratic armies. The other nine dealt with a variety of other topics: contemporary farming, classical studies in the university, ancient agriculture, the mechanics of hoplite warfare, and a survey of Greek warfare from Homer to Alexander.

Because he does not understand the book's themes, Bray spends most of his time objecting to a single chapter on the Greeks' freedom at Salamis. He is upset that I call freedom a "Western value"—and apparently more so by my statement that the West has had a tradition of 2,500 years, one that now has spread to six continents. Yet he adduces no evidence to contradict this point. Bray objects to the book's definition of freedom—not by citing the actual one provided in the book (on pages 46–55) but by quoting my larger definition of Western culture, as if he thinks the latter is synonymous with freedom.

Bray objects to my notion of constitutional government in late 19th-century England, assuring us that the British in 1879 "were ruled by monarchs"—as if there were not a consulting parliament and prime minister. He also makes the weird argument that because free soldiers do not always mouth slogans of freedom in actual battle, I am wrong to argue that they fight well because they reflect a free society in the way they prepare for, think about, and conduct war. He says it's "harder still to believe that the Spanish conquistadors descended with fevered cries of 'One man, one vote!'" I did not actually write that, of course, but rather explained at great length the real differences between Spanish and Aztec approaches to government and culture (see pages 222–232).

Bray cites Sparta, suggesting that I wrongly believed that all Greeks embraced similar ideas of freedom and "the consent of the governed." That is false. I carefully emphasized both the diversity and the inequality present among the various poleis: "Even the most oligarchic states never attempted to establish a theocracy that might control the social, cultural, and economic behavior of its subjects. Generally, Western autocracies that did arise never succeeded to the degree of eastern despots in controlling the lives of their subjects. Still, none of the city-states from the Black Sea to southern Italy extended political equality to women, slaves, and foreigners" (page 50). And: "Within the more than 1,000 city-states not everyone was free. In the fourth-century history of the autonomous polis (700–300 B.C.) there were gradations in which property qualifications were high, moderate, and nonexistent, and office holding was variously open to the few, many, and all" (pages 50–51).

Bray objects to my argument that freedom gave advantages to the Greeks at Salamis and conveniently forgets the context: Unlike the Persians, the Greeks' representatives argued as free men over tactics and strategy, while Xerxes did not tolerate the same degree of free exchange. The Greeks themselves emphasized the key importance

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of freedom in that victory (pages 48–49).

We simply do not know whether Themistocles' ruse really took place; so one is not "fudging" when expressing doubt about the story. Of course, Themistocles may have given a speech claiming his trick alone was the cause of victory—but those were his views, not necessarily Herodotus' own.

Bray writes, "Hanson describes 'British redcoats methodically blasting apart Zulu bodies at close range' and tallies as many as 800 Zulu dead—although only 381 bodies were found." That too is false. That was not my own tally but a reflection of the widely disparate numbers of casualties as noted by different contemporaries: "Reconnaissance parties discovered 351 enemy dead; the number of wounded who crawled away and eventually died may have added another 200 to the fatality total. Later accounts suggest that the total Zulu dead ranged somewhere from 400–800 as bodies were found for miles beyond Rorke's Drift for the next several weeks" (page 298).

Bray objects to my contention that the British success at Rorke's Drift reflected their unique method of training and discipline: "As he does with Salamis, Hanson finds cultural and political motivations in the actions of men who are fighting simply to stay alive." This is banal. Most soldiers fight to "stay alive." It is the historian's task to understand why and how such soldiers do stay alive—and in different ways and with varying degrees of success that are not merely explicable by the tactical situation at hand but often reflect larger questions of technology, discipline, training, tactics, and, yes, culture.

Bray creates italicized sentences and inserts quotation marks to characterize what I, in fact, did not write. When he cannot find support for his interpretations in the text he distorts with adverbs like *purportedly* and *supposedly*. Quotations marked by ellipses are common. Similarly, after producing not a single example of the promised falsity, he resorts to the rhetorical "and so on," "there is no shortage of misstated fact," and "Let one more example stand for the rest."

Carnage and Culture has been assessed favorably in magazines, newspapers, and journals in America, Europe, and Asia by a variety of reviewers—among them apparently Chris Bray himself, who now confesses that his earlier evaluation of the book was apparently too favorable. Most reviewers do not seek to critique a book twice in order to retract what they wrote the first time around.

Bray—who is described as a "freelance writer" from Claremont, California—ends his harangue with a lecture on the proper craft of the historian. But history requires from book reviewers some rudimentary knowledge of facts, intellectual honesty, and reason—as well as quoting correctly from texts and presenting rather than distorting arguments. If Chris Bray were a historian he would have known that.

Victor Davis Hanson
Professor of Classics
California State University, Fresno

Chris Bray replies: Victor Davis Hanson notes, from high atop his pedestal, that I am a freelance writer, not a historian, and that his book has been "assessed favorably" in publications "in America, Europe, and Asia." This is a familiar tactic, of course, and one most recently used by discredited gun historian Michael Bellesiles against law professor James Lindgren, one of his critics: *Who is this amateur to attack a highly respected professional historian?*

About those favorable assessments Hanson cites, here's Noel Malcolm in the *Sunday Telegraph*: "Victor Hanson tends to pile up his arguments like a barrister in court, convinced that the more he has of them, the better; he also tends—again, like a lawyer—to pick and choose, seizing whatever will make his point in one aspect of the case and then silently omitting it if it does not fit the text."

That's a pretty consistent theme. The *Independent of London* compares Hanson to Dr. Strangelove, noting that his book is "mired in self-contradiction," and continuing, "The faults of this book are legion, so there is space to concentrate only on the most egregious." *The Sydney Morning Herald* agrees: "While his thesis is at least partially correct, the great defect of the book is that Hanson has an a priori argument about the superiority of Western military culture (and the West generally), fitting the evidence to it, rather than distilling the appropriate conclusions from the evidence. His first battle study illustrates this."

As for Hanson's remarkable misreading of my review, let's turn to the text. Hanson writes that I think his book is about "military freedom," and puts that reductionist phrase in direct quotes. Later he writes, "Bray...inserts quotation marks to characterize what I, in fact, did not write." I challenge him to identify where, in my review, the phrase "military freedom" appears. Victor Davis Hanson has inserted quotation marks to characterize what I, in fact, did not write.

I should have been more careful in one place. As Hanson notes, the 19th-century British were not simply "ruled by monarchs."

I stand by my review.

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Kiddie umpire crackdown; social capital online; defiant Indians; lessons from Canada; campus drug wars; the real cost of smoking; and freedom's feminist

Kiddie umpire crackdown

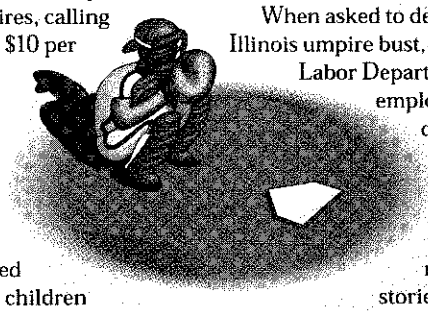
Child Labor Lost

Sara Rimensnyder

THE MOST SUCCINCT critic of overly restrictive child labor laws in the U.S. turns out to be a kid himself.

"It kind of stinks," 12-year-old Brian Glennon told the *Chicago Tribune*, "because there's absolutely no point to [working] if you're not going to get paid."

Brian and 35 other kids from Darien, Illinois, had planned (and trained) to make some summer pocket money as Little League umpires, calling 10 games for $10 per game. The Illinois Department of Labor, responding to an anonymous complaint, decided to rescue the children from this backbreaking labor. After a February audit, the department accused the Darien Youth Club of 180 violations, threatening a $900,000 fine.



The umpires' parents are now stepping up to the plate, petitioning for a change in state law. Catherine Glennon, Brian's mom, doesn't see it as a child labor issue. "The kids want to do it," she told the *Tribune*. "It's interesting and fun. They want to make the money, and there aren't a lot of opportunities for these kids to do that." Federal law prohibits the employment of children under age 14, with a slightly lower threshold for agricultural jobs. Enforcement primarily falls to the states, and a few states follow federal law to the letter. Others have their own rules, some looser and some stricter than federal standards.

When asked to defend the Illinois umpire bust, the state Labor Department employee in charge of the case reminded the *Tribune* of recent news stories about a few parents who became violent at their kids' sporting events. "This can be very physically and psychologically dangerous for these kids," she said. "It's something everyone understands."

What everyone in Darien understands is that Illinois must not have much need for child labor laws, since the department has time to pursue complaints about kiddie umpires. That's good news overall, but for kids in Brian's situation, well, it just kind of stinks. ▮

The poor get connected

Disappearing Divide

Jeremy Lott

IN RESPONSE TO a new survey gauging Americans' online activity between 1997 and 2001, the pressure group Children's Partnership cited a continuing digital divide. On one side, said the partnership in a February report, are the connected, "mostly rich whites"; on the other, the unconnected, poor minorities and people with disabilities.

Those who could benefit most from Internet job opportunities, the group complained, "are the least likely to be online." It urged members to lobby Congress and local legislatures to invest more money in "community technology" to redress this imbalance.

Many others, drawing on the same report from the U.S.

"It is a myth that democratic political procedures and what our elites are pleased to call foreign policy 'effectiveness' reinforce each other. In fact, there is a trade-off."

—Earl C. Ravenal, "Non-Intervention: A Libertarian Approach to Defense"

"Another position advanced is that the U.S. should be *neutral* in international affairs. We could be—if we wished to commit suicide."

—R. J. Rummel, "Wishful Thinking Is No Defense"

"Before leaving the list of efficacious government enterprises, one should not miss the most obvious and proud State ability, namely, the exercise of killing large numbers of people in short periods of time within basically stationary geographical boundaries."

—Thomas Hazlett, "Big Business Comes Out of Its Corner...Fighting?"

"The case against reinstating the draft—or any other form of conscription—is basically a moral one. There can be no justification for coercing people to perform work. That is slavery."

—Trends, "Facts Against the Draft"

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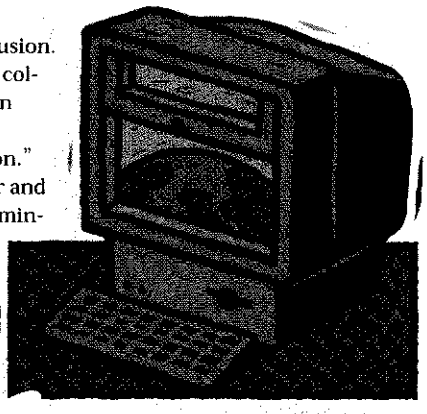
Department of Commerce, arrived at a different conclusion. *Washington Post* economics columnist Robert J. Samuelson declared the idea of a static digital divide "largely fiction." Thanks to falling computer and online access prices and diminishing skill requirements, the digital divide has been shrinking without government intervention. As of September 2001, 56 percent of Americans used the Internet and 66 percent used computers. The Commerce Department found that participation was increasing, "regardless of income, education, race, ethnicity or gender," at a rate of 2 million new surfers every month. Low-income users grew at twice the rate of high-income users, with families headed by single mothers among the most likely to go online.

As with televisions and refrigerators, the online gap between rich and poor appears to be closing quickly as the technology becomes commonplace.



Social capital online

Internet Toolkit

Sara Rimensnyder

SOME DON'T THINK the digital divide is closing fast enough. Among them is the Washington, D.C.–based nonprofit one-economy.org, created in July 2000 to help low-income Americans get online. But far more interesting is the Web site's attention to a less discussed issue: Once the poor get on the Web, what tools are available to them?

Not enough, according to David Saunier, a founding member of the organization. "Content needs to be provided at a low-literacy level, and in at least English and Spanish," he says. "It's got to touch on things that are important to their lives."

The company's new project, the Beehive (www.thebeehive.org), seeks to meet those needs. With sections in both English and Spanish on money, health, school, jobs, and family, the site provides access to some of the social capital that middle-class Americans take for granted: how to balance a checkbook, find a doctor, get a high school equivalency degree, even start a business.

The offerings in Spanish seem to be the site's most useful addition, since there are few sites specifically geared to helping non-English speakers navigate life in the U.S. More than half of the 20 top Google searches that bring people to the Beehive are in Spanish. Saunier says the content appears to have filled a vacant niche. "We've done no marketing," he says. "Yet we've received a good amount of Web traffic—about 25,000 visits each month the last couple of months. It's saying that what we have to offer is missing elsewhere."

Saunier says the nonprofit, which is primarily funded through private donations but also does contract work for city governments, owes a large part of its fund-raising success to its wide appeal. "The heart of what we're doing is about self-sufficiency," he says. "We're making an assumption that if a large portion of this population gets armed with some information, access, resources, and opportunity, it will take advantage of it."

Bureaucratic spending spree

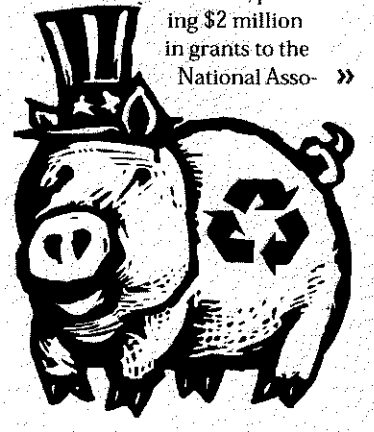
Green Grants

Mike Lynch

THE ENVIRONMENTAL Protection Agency (EPA) is legendary for tangling up businesses in red tape. Yet when it comes to passing out millions in taxpayer money, it exhibits a casual, devil-may-care attitude. In 1999 the agency passed out $1.3 billion of its $7.5 billion budget in grants and contracts, often in complete disregard of the federal government's competitive bidding process.

A May 2001 report from the EPA's Office of the Inspector General (OIG) discovered that the "EPA often awards non-competitive assistance agreements to recipients based on the unsupported belief that those recipients were the only entities capable of performing the work." That's bureaucratese for, "It gave the money to friends." To justify the awards, the enviro-crats retreat to the boilerplate retort that recipients were "uniquely qualified." In March 2002 the OIG returned to find that sweetheart deals accounted for "1 out of every 5 dollars of the $1 billion" the EPA awarded in 1999 and 2000.

Suspicious that the agency was using taxpayer money to fund groups that were "uniquely qualified" to lobby for more money for the EPA, the Landmark Legal Foundation took the agency to court in September 2000 to force it to disclose grant recipients. Some highlights of the $2 billion awarded noncompetitively since 1993 included $47,000 to help the Seattle Mariners start a recycling program at their new $500 million ballpark, $1,500 for academics to design a solid waste board game called the "Can Man Game," and $379 million to senior citizen groups to recruit and pay senior citizens to work for the EPA. The agency even funds its ostensible enemies, providing $2 million in grants to the National Asso- »



Quotes

"I realize that this bill basically says you can tap someone's phone for jaywalking, and normally I would say, 'No way.' But after what happened on September 11th, I say screw 'em."

—Maryland state Rep. Dana Lee Dembrow (D-Montgomery) on state anti-terrorism legislation, quoted in the March 25 *Washington Post*

"College campuses are a hotbed of feminist propaganda, and binge drinking is just one manifestation of it."

—Janice Crouse of Concerned Women for America, quoted in the April 9 *Washington Times*, reacting to news that heavy boozing is increasing at women's colleges

Source

The Chinese government has contributed to the "war on terror" by amping up the political and religious repression of ethnic Uighurs, Muslims in the country's far-west Xinjiang province. Acting on new anti-terror legislation, authorities have reportedly detained thousands of nonviolent people over the last six months and imposed new restrictions on religious and cultural practices. Learn more at web.amnesty.org/ai.nsf/Index.

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Brickbats

County Commissioner Ronda Storms of Hillsborough, Florida, has made a name for herself by campaigning against sexually explicit material. These days she's in trouble for distributing it. In April, Storms received an e-mail that contained a nude woman's picture and was so upset she decided to share it with her fellow commissioners and staff. Now some of the people she forwarded the photo to have demanded she be investigated for misusing a county computer and distributing obscene material over the Internet.

Police arrested a man in Birmingham, England, for throwing an object onto the field during a soccer match between the Chelsea and Fulham teams. Fulham manager Jean Tigana was hit by the dangerous projectile—a stalk of celery.

Doug Nicoll faces a year in jail and a $2,500 fine. His crime? Trimming the bushes on his property in Norfolk, Virginia. Nicoll didn't know the property had been designated a wetland, where city law says it's illegal to cut or remove plants. Officials explain that the bushes might die if trimmed, causing soil erosion. Yet Nicoll has been trimming his healthy bushes since 1994, when he bought the property.

Delegates to a British Commonwealth conference on democracy and the media voted down a resolution to condemn Zimbabwe President Robert Mugabe's crackdown on independent media. Britain, India, and Australia backed the move. But African members of the Commonwealth lined up against it. "We should stick to our own theme of promoting relations between parliamentarians and the media and enhancing the free press and democracy," a South African delegate said.

An Egyptian court has ordered that posters for the movie *So That Our Lord May Love You* be taken down. The ads feature scantily clad women near the word *Lord*. "This contradicts religious and spiritual values in Egyptian society," the court ruled.

Cuba has banned sales to the public of computers, along with photocopiers, printers, and mimeograph machines. Officials have refused to comment on the move, other than to blame Cuba's lack of computers on the U.S. economic embargo. But the likely cause is the rise of independent journalists printing stories unfavorable to the government on the Internet.

Norway's government has unveiled a plan to mandate that corporate boards be at least 40 percent female. State-run companies have a year to comply. Other companies must meet the quotas by 2005. To be fair, the measure would also mandate that at least 40 percent of board members be male.

The Northern Ireland Assembly is considering restrictions on the sale and possession of crossbows. Currently, anyone over 18 can own a crossbow. But in recent months several people have attacked horses with the weapons.

Charles Oliver

› ciation of Homebuilders and $4.9 million to the Natural Resources Defense Council, both of which have sued the agency in the past.

The EPA claims to be on the road to reform. "The agency has become much more sensitive of the need for competition in grants," Howard Corcoran, head of the EPA grants office, told the Associated Press.

Defiant Indians

Wireless Revolution

Jesse Walker

A BAND OF American Indians is about to challenge the Federal Communications Commission (FCC), using their reservations' sovereignty to embrace technologies blocked by the U.S. government.

Government regulations assume that radio transmissions will take place on preassigned portions of the spectrum. But there's another species of wireless communication: spread-spectrum transmissions. "This type of technology doesn't require a central coordinator to decide who gets to use which spectrum when," explains Lawrence Lessig, a Stanford law professor and legal adviser to the Indian project. "Every user has a common protocol for saying, 'Can I use it for the following milliseconds?' The technology listens, and if no one is using it then you go ahead."

Spread spectrum was invented in the 1940s by, of all people, the actress Hedy Lamarr and the composer George Antheil. For the next four decades, the Defense Department treated it as classified. Since the '80s, though, the technology has progressed in fits and starts, propelled by creative scientists and entrepreneurs but hampered by the government, which has been stingy in allocating spectrum to its use.

Which brings us back to Indian country. Four Native colleges in North Dakota and Montana have decided to use spread-spectrum technology to establish wireless networks on their reservations, as an alternative to more expensive Internet hookups via cable and phone lines. The colleges argue that their reservations' legal status as sovereign nations gives them the leeway to defy the FCC.

Behind the initiative is a tinkerer and gadfly named Dewayne Hendricks, who serves on the FCC's Technological Advisory Council. With the commission moving glacially at best, he's been looking for other places to try out his ideas. First he used his amateur radio license to set up a wireless network over a 35-mile radius in the San Francisco Bay Area. "As a ham radio operator, I have access to lots of radio spectrum," he notes, "as long as I don't use it for commercial purposes." Word eventually reached the crown prince of Tonga, who in 1998 invited Hendricks to bring wireless networking to his regulatory tabula rasa. In 2000, though, that project fell apart—due to the "nature of the financing," says Hendricks, who then shifted his efforts to the Indian nations.

Meanwhile, in cities and on campuses around the country, hackers have been building freenets: small-scale, nonprofit networks like Hendricks'. "You basically open up your computer and in a second you're connected at broadband speeds to the Internet," says Lessig. "Our intuition is that radio is not a reliable way of communicating—think of the difference between a land line and a cell line. But these technologies are highly reliable. You can have a bunch of different machines sitting in the same room all connected to the wireless server with no apparent impact on each other."

The question is, will they have an impact on the FCC?

Canadian vouchers

Great White Choice

Brian Doherty

MANY AMERICANS CRY out for Canadian-style state-financed and state-managed health care. But they might instead consider importing the Canadian »

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Balance Sheet

Jeff A. Taylor

Material Grill

A federal district court judge says the Justice Department may not jail material witnesses indefinitely. "No Congress has granted the government the authority to imprison an innocent person in order to guarantee that he will testify before a grand jury," Judge Shira A. Scheindlin rules.

Early Release

Theresa Wilson is released from prison four years after being sentenced to life without parole for selling $150 worth of morphine. An Alabama court ruled last year that the sentence was cruel and unusual. Now a trial court judge has downgraded her sentence to time served.

Income Outcomes

Surprise! The poor, like everyone else, benefit from economic booms. Incomes for the poorest families not only kept up with the richest in the late 1990s but slightly outpaced them, according to the Economic Policy Institute and the Center on Budget and Policy.

Yup With People

Hated yuppies who gentrify neighborhoods help everyone in the community, finds the Citizens Housing and Planning Council. Crime drops, the tax base expands, businesses pop up, and schools improve.

Tortilla Curtain

Mexico passes its first freedom of information law, with lawmakers unanimously backing bills allowing Mexicans a peek at how their tax money is spent. In the past, officials have treated public records like personal property.

Sealab 2002

J. Craig Venter is using $100 million from the fortune he made heading Celera Genomics to find microbes that will cheaply turn carbon dioxide into a solid, keeping the air clean. Venter thinks they might be at the bottom of the sea.

Winston Crock

Raymond Leopard, who says he worked as the "Winston Man" in 1970s ads for R.J. Reynolds, sues the firm. He claims he's due $65 million in damages for years of emotional distress from shilling cigs.

Pig Out

The congressional spending frenzy includes such items as a $273,000 program in Missouri to fight "Goth culture." Citizens Against Government Waste says the $20.1 billion in pure pork projects for 2002 is up nearly 10 percent from last year.

Expansion Pact

The Federal Trade Commission is again sniffing around the video game industry, this time for data on sales of mature-themed games to minors. Congress wants continued FTC "oversight" of media marketing campaigns.

No-Fly Zone

Student activists intending to march on Washington, D.C., in April are detained at Milwaukee's Mitchell International Airport on the orders of federal air marshals. They're not allowed to fly until they answer questions about their plans in D.C.

Promotional Offer

A bill before Congress would put a promoter of any "entertainment event" in jail for up to nine years if he or she "knows or reasonably should know that a controlled substance will be used or distributed" at the event. Would nasty ballpark wieners count?

Cool Customers

Residents of Hartford, Connecticut, use a noise ordinance to bust an ice cream man charged with playing "Turkey in the Straw" too loudly and too late at night. Felix Rios, a.k.a. Mister Softee, says he doesn't understand the fuss.

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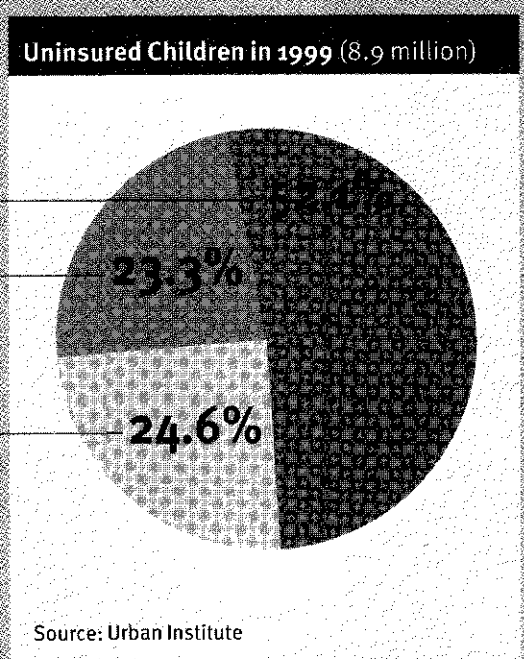
Data

Can't Give It Away

Mike Lynch

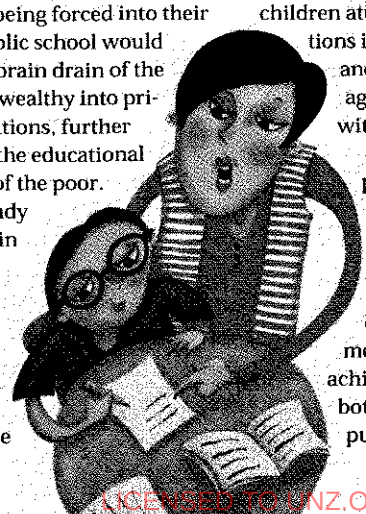
The decentralized U.S. approach to health care financing and provision—a mix of public and private payers and providers—irks many who would prefer universal taxpayer-financed insurance. In 2000, 38.7 million Americans were not covered, with one in eight of the uninsured under age 18. But an Urban Institute study released in March indicates that lack of access to taxpayer-funded health insurance isn't the problem. In 1999, three out of four uninsured kids in families of all income levels were eligible for either Medicaid, the federal-state insurance program, or the State Children's Health Insurance Program, the product of the 1997 Balanced Budget Act. And of the 6.5 million uninsured low-income children in 1999, 85 percent were eligible for taxpayer-financed insurance. All their parents had to do was sign up. The study's authors note, "Lack of eligibility for public health insurance is no longer the reason for uninsurance for most children; therefore there must be other barriers." And indeed there are: Parents of one in five of the eligible but uninsured children said they neither want nor need the programs.



Source: Urban Institute

› approach to school choice. The experience of our neighbors to the north may point the way toward a future of better performance by disadvantaged students.

A new study from Canada's Fraser Institute and the Milton and Rose D. Friedman Foundation examines the structure and results of voucher-style government support for nonpublic schools in six Canadian provinces. Voucher opponents in the U.S. raise fears that allowing families to choose a school instead of being forced into their district public school would result in a brain drain of the clever and wealthy into private institutions, further damaging the educational prospects of the poor. But this study finds that, in Canadian provinces with funding for nonstate schools, low-income children attend private institutions in greater numbers and at higher percentages than in provinces without such funding.



The voucher-providing provinces also show a weaker correlation between socioeconomic status and educational achievement, and boast achievement scores in both public and nonpublic schools that are "not only higher generally...but also higher particularly among students from less advantaged backgrounds." ▮

Campus drug wars

Higher Learning

Sara Rimensnyder

AT A RECENT drug legalization rally at the University of California at Los Angeles, defiant students smoked joints on the grass. Meanwhile, sober administrators circulated yellow flyers warning that drug convictions are grounds for denial of federal financial aid.

Not if activist students have their way. The law in question—an amendment to the Higher Education Act of 1998 that took effect in July 2000—is under grassroots attack on campuses across America. Aside from raising awareness and lobbying Congress to strike down the provision, a handful of activists have also convinced their schools to set aside money in case a prospective student is denied aid under the provision.

"It's antithetical to deny people education if we seek to make them responsible and contributing adults," says Aaron Marcus, one of two Hampshire College students who in 1999 spearheaded a successful effort to set aside $10,000 from the university's annual budget, creating the first fund of its kind.

At least three other schools have established such funds. These include the private institutions Yale University (which announced its fund in April) and Swarthmore College as well as Western Washington University, a state school in Bellingham where the student association raised $750 by selling ads in a discount coupon book. "There's no taxpayer or private donor money in it," the association's president explained in a press release.

Marcus, now a law student at the University of Minnesota, is on the board of an organization called Students for Sensible Drug Policy (SSDP), designed to promote "open, honest, and

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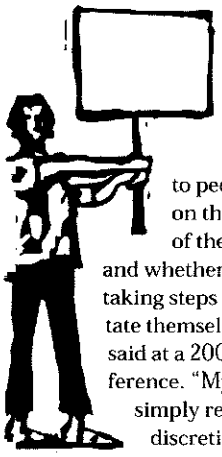
rational discussion of alternatives to our nation's drug problem," he says. The student governments of 67 colleges and universities across the country have signed SSDP's resolution asking Congress to repeal the aid provision. The group has an online petition at www.raiseyourvoice.com.

Rep. Barney Frank (D-Mass.), along with 23 co-sponsors, has drafted a bill to overturn the law. "The authorities previously had the discretion to bar aid to people based on the severity of their crime and whether they are taking steps to rehabilitate themselves," Frank said at a 2001 press conference. "My bill would simply restore that discretion." ▯



The real cost of smoking

Less Than Zero

Jacob Sullum

SUPPOSE YOU EARN $100,000 a year, invest well, and decide to retire at 65 rather than 70. According to the U.S. Centers for Disease Control and Prevention (CDC), you have just cost "society" half a million bucks.

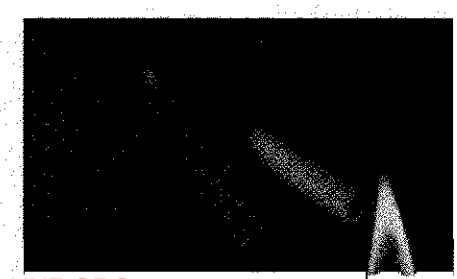
In an April 12 report, the CDC announced that "productivity losses" due to smoking—the money smokers would earn if they lived longer—amounted to $3.73 per pack of cigarettes in 1999. It estimated that smoking-related medical expenses represented another $3.45 per pack, for a total of $7.18.

"There's a big difference [between] the cost to society and what society is getting back in tax," a CDC official said. "We believe society is bearing a burden for the individual behavioral choices of the smokers."

Counting forgone income as a "cost to society" suggests that every individual has an obligation to work for the highest possible wage until he drops dead. According to this view, anyone who chooses to trade income for leisure, better working conditions, or early retirement imposes a burden on society for which he ought to be taxed.

In estimating smoking-related medical expenses, the CDC likewise made no attempt to distinguish between costs borne by third parties and costs borne by smokers themselves. Nor did it ask whether smoking raises health care costs on balance, which requires taking into account the medical expenses people would incur if they did not smoke.

Yet as the CDC is eager to point out, smokers tend to die sooner than nonsmokers, which means less health care in old age. A 1997 study in *The New England Journal of Medicine* found that total medical spending actually would go up if everyone stopped smoking. Smokers also collect less from Social Security—another factor mysteriously absent from the CDC's calculation.



In short, the true cost to tax-payers from smoking is probably less than zero, which makes the CDC more than 100 percent wrong. ▯

Freedom's Feminist

Sara Rimensnyder

Wendy McElroy

Wendy McElroy is one of the nation's foremost proponents of gender equality. Yet her work—including *Individualist Feminism of the 19th Century* (2002) and *XXX: A Woman's Right to Pornography* (1995)—frustrates many feminists. McElroy, an individualist anarchist whose formal education ended in high school, categorically rejects the idea that women need special protection under the law—arguably the major legacy of '70s-era feminism. True equality, says McElroy, requires a gender-blind government.

McElroy, a research fellow at the Independent Institute, is the editor of the new *Liberty for Women: Freedom and Feminism in the Twenty-First Century* (Ivan R. Dee), a collection of essays by the likes of social critic Camille Paglia, American Civil Liberties Union President Nadine Strossen, and **reason** Contributing Editor Cathy Young. From her farm outside Toronto, McElroy runs the Web site ifeminists.com and writes a column for foxnews.com. Assistant Editor Sara Rimensnyder spoke with her in April.

Q: Define *ifeminism*, the term you've invented to describe your philosophy.

A: It stands for "individualist feminism" and says that all peaceful choices for women should be legally tolerated. It's pro–free market and it embraces men, both literally and figuratively [laughs], as valued equals.

Q: Who are the forebears of ifeminism?

A: The historical roots of American feminism are overwhelmingly individualistic. In the 1830s feminism as a self-conscious movement grew around abolitionism, particularly around the individualist anarchist William Lloyd Garrison. These early feminists were Quakers and very politically aware women who demanded nothing more than that government and men "take their foot off women's necks, and allow us to breathe freely," as they put it.

Q: What's the single most pressing issue confronting today's ifeminists?

A: Absolute equality under the law, which means pushing back privileges like affirmative action. Other troubling areas include the current bias toward women in family courts, with men denied routinely custody of their children, and the attack against midwives in America.

Q: Has individualist feminism really triumphed, as Camille Paglia declares in *Liberty for Women*?

A: On various issues, yes. On topics like porn, which was *the* debate of the '80s, there's no question that free speech won. Sexual harassment and political correctness have crumbled. Groups such as the National Organization for Women are no longer relevant. After the Paula Jones debacle, where NOW's main strategy was to attack the woman, its membership fell by about 50 percent. So the icons of old-fashioned feminism are crumbling. The problem is sweeping away the institutions they bred.

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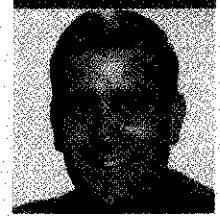

Taxed Happy

Two economists provide legislators with another reason to boost taxes.

LIFE IN CONNECTICUT got a whole lot happier in April. More joy has descended on New York, and it will soon spread to Maryland, Utah, and Nebraska. No, nobody's slipping Prozac into the water supply. This bliss is sponsored by state legislators, some of whom have just jacked up the tax on a pack of smokes and others of whom are about to do the same. According to a March study by two Massachusetts Institute of Technology (MIT) economists, the 61-cent-per-pack bump should decrease unhappiness among Connecticut's potential smokers by nearly 10 percent.

Economists like to play the role of academic bad boys, making proposals that spark controversy and reveal shocking truths. If you want to minimize traffic accidents, according to a typical economist's reasoning, you shouldn't look to the latest in bumper and airbag technology. By reducing the cost of accidents, these innovations only encourage reckless driving. Instead, install a knife pointing outward from the center of every steering wheel. Before long, traffic cops would have to start enforcing the *minimum* speed requirement.

You can decide for yourself whether examples like that reveal the power of economic thinking, its estrangement from the reality of daily life, or both. But first, you may want to take a look at the analysis that predicts an outbreak of happiness in my New Haven neighborhood. (The study is available online at econ-www.mit.edu/faculty/gruberj/papers.htm.)

One might expect smokers to dislike a cigarette tax hike, as they'll end up either shelling out more cash or giving up smoking to avoid the hit. One economic theory holds that this is precisely the case. Smokers, even if addicted, figure the pleasure derived from smoking today is more desirable than the beneficial future health effects of giving up the coffin nails. Another theory, however, says that even if smokers are happy in the present with cigarettes in their mouths, they'd be even happier in future years if they were tobacco-free. Economists would say that smokers' preferences are characterized by "time inconsistency." In the future, they'd like to be nonsmokers. But in the present, they prefer to smoke.

The idea is more easily understood in financial terms. Offer a person the choice between $100 today or $150 tomorrow, and he may refuse to wait the extra day for the extra $50. But give him a choice of $100 25 days out or $150 on the 26th day, and the same person may happily wait the extra day to grab the $150. If people take the long view, they'll be happier waiting the day for the extra dough. But their short-term behavior prevents them from achieving the highest levels of happiness. From the outside, it appears to be rational for people to restrict their freedom in the short term in order to maximize happiness days, months, or years down the road.

The MIT paper makes this argument, positing that there are "self-control benefits of taxation." The authors test this hypothesis with survey data on the self-reported happiness of Americans and Canadians. The Americans were first interviewed in 1973, the Canadians in 1985. In the U.S., the study finds, unhappiness among potential smokers (the data didn't allow assessment of actual smokers, so the economists had to profile) declines by 0.156 percentage point for every penny increase in excise tax.

This study is quite innovative. Traditionally, economists have restricted their inquiries to the consequences of policies on human action, not human happiness. They have built models and

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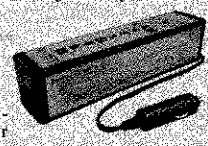

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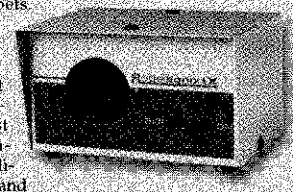

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analyzed the world based on many assumptions, one of which is that once a person determines what she wants, she will pursue it rationally. The *desirability* of her goal is generally regarded as outside the purview of the profession. Who knows why someone watches the Oxygen channel or attends church on Wednesday night? The very fact that someone does these things is taken to mean that it adds to her happiness.

"Human action is necessarily always rational," wrote the seminal free market economist Ludwig von Mises, who included in that category acts, such as smoking, that detract from your health but enhance your life in other ways. "The ultimate end of action is always the satisfaction of some desires of the acting man. Nobody is in a position to decree what should make a fellow man happier."

It is dangerous for economists to expand into measuring happiness among "potential smokers" and other groups, given the profession's penchant for palling around with legislators and bureaucrats. The government's job is to provide the framework in which free individuals can pursue their own happiness. It's a giant step backward when government tries to restrict our freedom in order to increase the happiness of a subset of the population—in this case, smokers who want to quit sometime and need the financial push.

Not that the legislators' goal would be to make smokers happy. Smokers are being hit because the legislators want more money and smokers are an unpopular group whom they can tax. That it may increase their happiness is simply another argument legislators will deploy in their effort to gather more revenue.

Just consider what one of the study's authors, Jonathan Gruber, told *The New York Times*. Gruber is a former Treasury Department official in the Clinton administration who was embarrassed to tell other bureaucrats that adults should not be coerced into not smoking, so long as they are hurting only themselves. Now that he's back in academia, he has produced a paper that arms his former colleagues with one more argument to limit freedom.

"We all know smokers who really want to quit, but there's nothing in the private market that can force them to quit," Gruber told the *Times*. "The government can provide that."

It's a giant step backward when government tries to restrict our freedom in order to increase the happiness of a subset of the population—in this case, smokers.

Actually, the government can't force them to quit either. And free individuals do indeed come up with mechanisms to align their short- and long-term happiness. Automatic savings plans, from Christmas club accounts to prearranged transfers from checking accounts, are examples of dealing with time inconsistency in the financial arena. Flat-fee health club memberships, which may increase the average cost of exercising even as they reduce the marginal cost to only time and transportation, are an example of individuals choosing to bind themselves in the short term to achieve long-term health ends.

Smokers bind themselves by announcing to friends and loved ones that they are quitting, which raises the stakes of lighting up. If time inconsistency were a serious problem for individuals, they could tax themselves for smoking by paying a fine to a worthy cause if they slipped up.

The idea of legislators helping people deal with self-control problems is laughable. But those chuckles will turn to tears when one considers those "self-control benefits of taxation," especially when budgets get tight, which is just about every year.

Commuters' happiness may correlate with staying home, for instance, so why not increase gas taxes to $10 a gallon and improve their lives? I'm sure exercise correlates with happiness, so why not ding activities that grow couch potatoes? Put a big tax on daytime movies, and force people to pay for time in coffee shops during prime workout hours.

If those possibilities seem ridiculous, consider this one. Suppose you want to eat healthy but lack the self-control to pass up a bag of Fritos for a banana. Why not put special taxes on "unhealthy food"? This is actually a goal of two national pressure groups that claim to be making progress in state capitals.

The smoker, the driver, the couch potato, the junk food fan: Each, as Mises would predict, is maximizing his happiness. Alas, they have neglected to consider the happiness of the tax-hiking state legislator and the activist toiling to coerce the rest of us into changing our lives.

Mike Lynch (mwlynch@reason.com) is **reason***'s national correspondent.*

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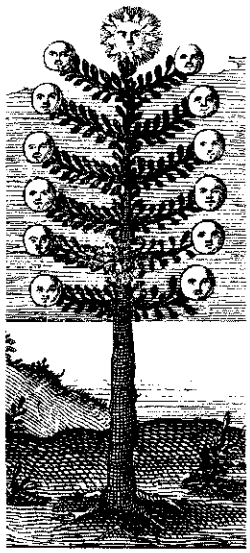

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License to Kill

Men and women, crime and punishment

LATE ONE NIGHT in August 1997, a Tacoma, Washington, woman named Brenda Lee Working called her estranged husband, Michael, and told him that her car had broken down, stranding her and their two preschool daughters in a wooded area on a military base. When Michael Working came to her aid, it turned out to be an ambush. Brenda shot him several times, hitting him in the arm and the shoulder. Then she beat him in the face with the handgun as he tried to wrench it from her hands and stalked him through the woods for hours after he managed to get away.

Brenda Working's sentence for the attempted murder of her husband: one day in jail.

Admittedly, this was not the full extent of Working's punishment: She received a separate five-year sentence for using a gun in the commission of a crime. Yet the sentencing judge, U.S. District Judge Jack Tanner, openly stated that he would have suspended that sentence too if it had not been mandatory under federal law. His reasoning was that Working had been depressed and fearful that her estranged husband would take away her children in a custody battle.

In April the U.S. Court of Appeals for the 9th Circuit overturned the sentence, ruling that Tanner had improperly departed from the sentencing guidelines without adequate reasons. The case was sent back to the lower court and reassigned to another judge. The 9th Circuit's ruling made an unusual explicit reference to gender bias, stating that Tanner "would be unlikely to set aside considerations of Working's sex."

Despite the eventual outcome, many would say the Working case illustrates a pervasive pattern in the criminal justice system of gender-based leniency toward women. This has become an article of faith among men's rights activists. In his 1993 book *The Myth of Male Power*, Warren Farrell asserts that "twelve distinct female-only defenses allow a woman who commits a premeditated murder to have the charges dropped or significantly reduced."

This sensational claim is seriously exaggerated. Of the 12 items listed by Farrell, only three—insanity pleas based on premenstrual syndrome or postpartum depression and self-defense or insanity pleas based on battered woman syndrome—can accurately be called "female-only defenses." (And even these defenses rarely succeed.)

The rest of Farrell's list consists of factors that contribute to more-lenient treatment of women, from stereotypes that make women less likely suspects to protective husbands standing by wives who have committed violence against them or their children.

Nonetheless, the pattern does exist. Two Justice Department studies in the late 1980s found that male offenders were more than twice as likely as women charged with similar crimes to be incarcerated for more than a year, and that even allowing for other factors, such as prior convictions, women were more likely to receive a light sentence.

The disparities are especially striking in family murders, the primary form of homicide committed by women. A Justice Department study of domestic homicides in 1988 found that 94 percent of men who were convicted of (or pled guilty to) killing their spouses received prison sentences, but only 81 percent of the women did. The average sentence was 16.5 years for husbands and a mere six years for wives.

Some of the difference was due to the fact that more of the women had been "provoked"—

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that is, assaulted or threatened prior to the killing. But when there had been no provocation, the average prison sentence was seven years for killer wives and 17 years for killer husbands.

Beyond the numbers, the contrast between the treatment of male and female defendants can be shocking in individual cases.

In 1995 Texas executed Jesse Dewayne Jacobs for a murder that, by the prosecutors' admission, was committed by his sister, Bobbie Jean Hogan. Hogan—who had gotten Jacobs to help her abduct her boyfriend's ex-wife and had actually pulled the trigger—served 10 years in prison.

She was convicted only of involuntary manslaughter after her lawyers managed to persuade the jury that the gun went off accidentally.

Old-fashioned chivalry undoubtedly plays a role. "Women and men do occupy separate places in the collective psyche of society," Jonathan Last wrote approvingly in *The Weekly Standard* in 1998, shortly after the execution of ax murderer Karla Faye Tucker. "Because society has a low tolerance for seeing them harmed, women—even criminals—have traditionally been treated differently by the justice system. Differently, but still, at least possibly, with justice."

In recent years, this chivalry has declined. Yet while it is no longer acceptable to argue that female criminals are due special consideration because they're women, many feminists' insistence on seeing women as victims of patriarchy sometimes has the same effect.

Most anti-domestic violence activists, for instance, cling to the dogma that women kill only in response to male violence. The battered women's clemency movement has obtained pardons for female murderers who, as subsequent investigations found, had very flimsy claims of abuse and probably had been driven by "masculine" motives, such as jealousy.

Other cases never go to trial. In Brooklyn in 1987, Marlene Wagshall shot her sleeping husband, Joshua, in the stomach, crippling him for life, after finding a photo of him with a scantily clad woman. Wagshall

Even if women stand to lose nothing from double standards, any self-respecting feminist should still oppose them in the name of equal justice.

was charged with attempted murder, but on the basis of her uncorroborated assertion that her husband had beaten her, District Attorney Elizabeth Holtzman, a strong champion of women's rights, let her plead guilty to assault with a sentence of one day in jail and five years' probation.

Even when feminists do not actively defend violent women, they hardly ever speak up against inappropriate leniency toward female defendants. Mostly, they refuse to admit that such leniency exists—perhaps because it would be heresy to concede that "patriarchy" has sometimes worked in women's favor—and prefer to focus on real or mythical instances in which the justice system treats women more harshly. (Battered women's advocates have promoted the wholly fictional factoid that a woman who kills her mate is sentenced to an average of 15 to 20 years in prison, while a man gets two to six years.)

As a result, if a man commits a violent crime against a woman and gets off lightly, an outcry from women's groups often follows. If it's the other way round, the only vocal protests are likely to come from the victim's family and from prosecutors.

The Working case, like the Wagshall case, received minimal publicity. Imagine the reaction if a judge had said publicly that a man who had ambushed and shot his estranged wife should have been spared prison because he was depressed over the divorce.

There are feminists, such as Patricia Pearson, author of the 1997 book *When She Was Bad: Violent Women and the Myth of Innocence*, who find feminist paternalism toward women no less distasteful than the traditional kind. They argue that in the long run, excusing women's violence on the grounds of emotional problems may undercut women's ability to be seen as capable workers and leaders.

That may or may not happen. But even if women stand to lose nothing from the new double standards, any self-respecting feminist should still oppose them in the name of equal justice. ▪

Contributing Editor Cathy Young (cathyyoung2@cs.com) writes a column for The Boston Globe. She is the author of Ceasefire!: Why Women and Men Must Join Forces to Achieve True Equality (Free Press).

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Saddam Hussein, Novelist

A tyrant's glowing reviews

Not at all. True news from the Middle East is desperate. Here is a bit of comic relief from the state-run Iraqi radio announced in May that the nation will hold a referendum later this year to decide whether President Saddam Hussein should remain in office for yet another seven-year term. As if that were not enough to put a smile on every face between the Tigris and the Euphrates, the Beeb added that Ezzat Ibrahim, the country's second in command, will chair a committee to ensure a "successful result" in the ballot.

This committee no doubt has its campaign work cut out for it, though there is every reason to believe that its candidate will eventually prevail. The fact is, Saddam has had to solve other popularity challenges in recent months, but everything has been going his way lately.

Among the signs of voter receptiveness: Saddam's most recent novel, *The Impregnable Fortress*, a moving tale of love and war—has been selling poorly. This despite the fact that Iraq printed 2 million copies of the novel, issued purchasing quotas for each Iraqi province, and declared the work the best-selling novel in Iraqi history even before it was released. Saddam's son Udai certainly did his filial literary duty to boost sales; he ordered 250,000 copies.

As befits student literary genius, Saddam publishes his fiction anonymously. *Fortress*, like Saddam's first great novel, *Zabibah and the King* (1990), was released autobiographically as "a novel by its author." *Zabibah* was an international sensation, a *roman à clef* focusing on the relationship between a sensitive and enlightened ruler (Saddam, well disguised), and a beautiful woman (the Iraqi people) who is in thrall to her blackguard husband (the West, especially the United States).

The work's most famous passage involves the vicious rape of lovely Zabibah by her miserable husband, an event that takes place on January 17, the date on which Operation Desert Storm began its bombing of Baghdad. *Zabibah* also features a memorable passage on the social benefits of brutal tyranny, according to the ruler: Here, a strong hand makes the populace secure.

In any event, the London-based paper *Al-Hayat* reports that when not enough Iraqis bought this year's *The Impregnable Fortress*, Iraq's literary establishment sprang into spontaneous action. According to the paper (as translated by *World Press Review*), "Never in the history of modern Arabic literature has any book been the subject of so many favorable reviews, and never has an author, anonymous or named, been so highly lauded."

At a Baghdad conference examining the profound importance of the work, the writer Amjad Tawfiq said that "what distinguishes this novel from others is its ability to weave a string of pearls on which love and war are strung together. And the way it celebrates the fundamental human qualities that refuse to allow war to be an interruption of the affairs of daily life bespeaks of an author with a sensitive heart and mind."

The poet Abdelmonem Rauh Jabir was especially insightful. *Fortress*, he observed, "is built upon a confrontation of the individual by providing an example [of a protagonist] who is conscious of the world...and we arrive at the underlying moral by doing the same thing—being conscious."

This performance by Baghdad's literati repeats a familiar farce. A ruling murderer indicates that he wishes to be recognized for surpassing gamin, and a supine establishment responds with wild acclaim. Stalin, for example, posed as a great scholar of linguistics, while Romania's Nicolae Ceausescu pretended to be the world's leading chemist. The phenomenon goes back at least to the Emperor Nero, who sang his poetry to uproarious applause.

Nero's most famous words, delivered as he perished, were, "What an artist dies in me!" Maybe Mrs. Ceausescu likewise bid farewell to the great chemist that perished in her. Perhaps Saddam will one day kiss the back of his good love.

Meanwhile, *Zabibah*, Saddam's first work, has been staged as a musical and the great man is reportedly hard at work on his third bestseller. ◻

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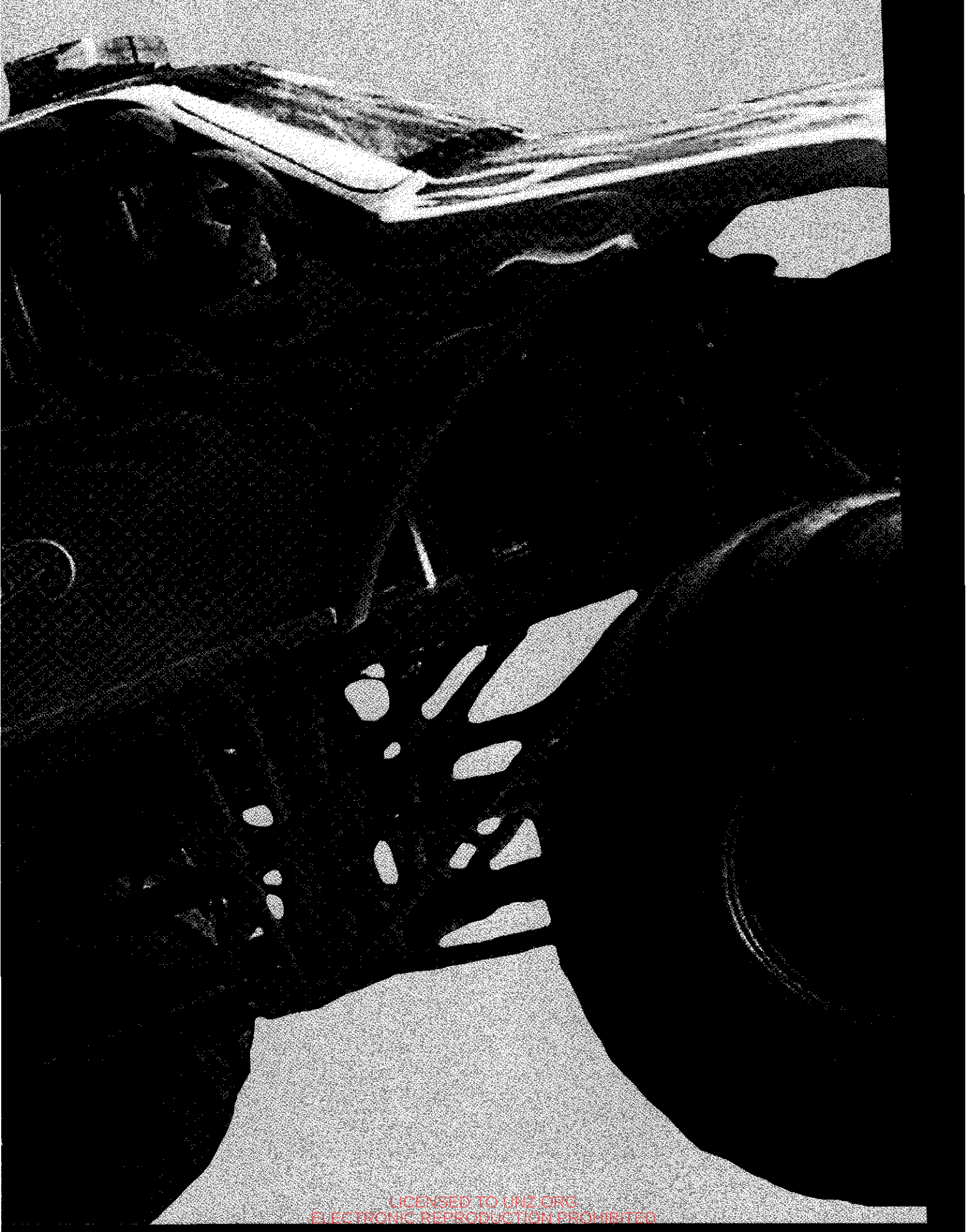

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AFP / CORBIS

Four-Wheel-Drive Fantasies

A defense of the SUV

Hans Eisenbeis

Here comes Mickey Mouse, riding in the back of an open-topped Jeep. Clinging to the roll bar with his big three-fingered gloves, he's wearing fatigues and a 10-gallon pith helmet. Donald Duck, who scandalously wears no pants, is in the back of a Toyota Land Cruiser. Minnie Mouse just rode by in a Land Rover Defender.

Spend enough time in Orlando's Walt Disney World, and you begin to distrust everything. In recent years, Disney's park designers have filled the place with what look like real antiques, genuine artifacts, authentic junk. At a water park called Typhoon Lagoon, for example, there's a fake 20-foot trawler marooned on a cement volcano, ringed by trails that are lit by replica brass sea lanterns. Each lamp has been brushed carefully with a briny patina. In Animal Kingdom, the ruins of a bogus Buddhist temple have been constructed, with frescoes sandblasted and smeared with rusty water to simulate the ravages of time. In the Magic Kingdom, the architecture is richly appointed with counterfeit second and third stories. Cinderella's Castle sends its gothic spires 300 feet up into the cloudless Florida sky.

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None of it serves a purpose beyond giving the appearance of volume, substance, extension. As much as it all makes you feel like you're stuck in *The Prisoner*, this detailed artifice is obviously crucial to the overall effect—the effect I'm paying $200 a day to see. It certainly makes no difference to my kids that everything is a prop or a set. At Disney World, the chief distinction between reality and fantasy seems to be that if it's not nailed down, it's reality. In which case it will quickly be swept up and disposed of by a legion of custodians in knickers.

Fantasy brings me back to Mickey Mouse in a Jeep. Here at Disney's Animal Kingdom, the streets are cleverly paved to look like wet dirt and mud—ancient footpaths through an Asian village or an African rainforest. Everywhere the red-tinted cement is impressed with the footprints of children, feral dogs, rickshaws. It *looks* wet. It looks like you'll have mud up to your knees—and yet magically your tennies squeak as if you're on a basketball court. When Mickey's Jeep drives by, I notice that his beefy off-road tires are showroom clean. Minnie's and Donald's SUVs are painted white, with explosions of parti-colored confetti.

There was a wonderful Isuzu commercial years ago. A man wheeling his shopping cart through a toy store pulls up short in front of a huge box on a shelf. Inside is a full-size Trooper. The man's mouth falls open, and his eyes light up. Great advertising is like great art: It's a lie that tells the truth. And so, the boy is the father of the man. Fantasy sustains us all, and we should stop pretending that adult toys are any less important—or any more complicated—than children's toys. Mickey Mouse rides in his Jeep through Disney World. That's one fantasy sitting in another fantasy riding through a third. As I've been telling my children ever since we got back, Mickey and Disney World live in Orlando—and, of course, in our hearts.

But we can take our Jeep anywhere.

Go Tell It on the Mountain

What do sport utility vehicles say about us? First, they say we're herd animals. The latest numbers from the auto industry say that every other new car driven off a dealer's lot is a "light truck," the category that includes pickup trucks, vans, and SUVs. Five million new SUVs are sold every year. And the numbers keep growing. There are now more than 70 distinct models identified as SUVs. Recently the Ford F-series became the best-selling automobile of any kind or class, finally vanquishing the Honda Accord and the Toyota Camry after their many years atop the sales charts. Of the five top-selling vehicles in the U.S., three are now light trucks or SUVs. Whatever else you want to say about the SUV, you certainly cannot call it a passing fad.

Aside from the more pragmatic reasons people like to drive them—they're big, they feel safe, they're full of luxurious options—there are lots of less rational reasons, and these are never made more explicitly clear than in SUV advertisements. A recent ad for Nissan's Pathfinder carries the tag line "Not That You Would, But You Could." It shows a young man bouncing through ditches and racing jets down runways, a rooster's tail of sand and mud shooting immodestly out the back of his Pathfinder. This ad is just about the purest distillation of SUV spirituality there is. Take your pick of any recent Jeep commercial—the stereotypical Wrangler, say, perched on the edge of a precipitous canyon at sunset—and you have a snapshot not only of modern 4X4 marketing but of the somewhat dreamy soul of an entire nation.

If we are what we drive, SUVs have some interesting things to say about us. Some things they say may be ugly: We are excessive, solipsistic, wasteful, indulgent, egotistical. Some of what they say may be noble: We are free; we are individuals; we want access to wilderness and new frontiers; we are self-reliant. Taken as a whole, the qualities of the SUV are quintessentially American. Although there

If at this point in history there is anything more American than Mickey, Donald, and Minnie,

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are certainly more remote and rugged nations than the U.S.—even in the industrialized West—the SUV could not have originated in any other country.

Like all cars, sport utility vehicles are about the freedom of mobility. But more than that, they are about *absolute* mobility—mobility that transcends pavement and even civilization itself. (Of course, airplanes do this even better, but populism and price converge on the ground: Any 16-year-old can get a license to drive dad's Explorer.) At the same time, SUVs are ostensibly about access to wilderness and about self-reliance, although real wilderness and authentic self-reliance are shibboleths of the 19th century. Emerson and Thoreau surely would have understood the appeal of the SUV.

Back here in the 21st century, there's growing concern that the automobile is killing the planet. Presumably, bigger, dirtier cars capable of making their own roads aren't a part of the solution. There's plenty of evidence that SUVs contribute to our environmental dilemma. It takes more resources to make them; they burn more gas, oil, and rubber during their useful lifetimes; and they continue to pollute disproportionately once they've been scrapped.

On the other hand, the difference between SUVs and other cars is one not so much of degree as of perception. Picking on SUV owners is probably as misguided as it is disingenuous. New SUVs, for example, are a far sight more responsible than the 15 million used cars that become obsolete each year. Even the greenest autos built in the 1980s, for example, are 90 percent dirtier and less efficient than new SUVs. Anyway, if I really wanted to get serious about reducing my daily contribution to the planet's carbon dioxide, I'd be pumping two wheels instead of driving four. The anti-automobile crusade is hopeless, and singling out any particular model is an exercise in pointlessness.

The Road Less Taken

The Rubicon Trail in the Sierra Nevadas is often described as the worst 12-mile stretch of road on the planet. To call it a road is a bit wishful, since even horses and mountain bikers have been known to balk at the rock-strewn mountain pass just outside Georgetown, California. The Rubicon is both Mecca and Medina to serious off-roaders. Hundreds go there every year to test their skills and their rigs against the Rubicon. Countless groups hold 4X4 driving camps here, including the U.S. Army.

Critics are fond of pointing out that only one in 10 SUV owners actually takes his vehicle off road, and this is true. But that misses the point, as far as that 10 percent is concerned. Those who can't tolerate the recent growth in popularity and upscaling of SUVs might be surprised to learn that people have had the sport utility impulse for a lot longer than SUVs have existed. Just 10 years after the first Jeeps were built during World War II, a chapter of civilian 4X4 enthusiasts was chartered by a Rotary Club in California. Their purpose? To coax their decommissioned Jeeps over the Rubicon. This summer, the 50th annual Jeepers Jamboree will take place there.

It is cause for concern or celebration, depending on your perspective, that just about every SUV today is built to serious off-road specifications. Except for the most recent trend toward car-SUV hybrids (such as the Toyota RAV, the Subaru Forester, and the Honda CRV—cars that are referred to by industry folks as CUVs, "crossover utility vehicles"), these vehicles are built with special low-speed gearing and lock-out differentials, high clearance, roll bars, and all the other apparatus of genuine four-wheeling. Even the august Mercedes M Class, the ridiculous Toyota FJ80 Land Cruiser, and the odious Lexus RX 300 are as capable in the mountains as they are in the suburbs. While the interiors often are designed by people with their minds in the boardroom, the engineers who design the drive trains are thinking about high water, turning radius, and exit angle. The Rubicon is frequently occupied by major automobile manufacturers who are devel-

then surely it's Mickey, Donald, and Minnie in an SUV.

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oping new models. It's not uncommon to see executives and engineers helicopter prototypes down to the trail, where a test driver puts the new vehicle through its paces. Like military vehicles, SUVs not only have to look the part, they have to act the part—a rare case, perhaps, of hyperactive truth in advertising.

In recent years, the military pedigree of the SUV has become explicit. At last year's spring auto show in New York City, *The New York Times* reported, most automakers were displaying vehicles that looked less like sedans and limos, and more like tanks. Cadillac recently announced that it will be offering a fully armored model with bulletproof windows and steel plating. The privatization of the U.S. Army's "Humvee"—now known as the GM Hummer—also represents a reversion to origins. And if bigger is better, then brace yourself for the best: DaimlerChrysler has announced plans to roll out the world's largest SUV, a German military vehicle repurposed for the civilian market. The Unimog weighs five tons, stands 12 feet tall and seven feet wide, and will cost around $150,000.

There's ample evidence that these massive trucks are a form of escapism. But what, after all, is wrong with escapism? From one point of view, *all* of post-industrial capitalism is a form of escapism, a bulwark against harsh realities the rest of the world still faces on a daily basis. Prepackaged chicken, herbal shampoo, ESPN *Sports Center*—our more conspicuous forms of consumerism have always been as much about putting to use the opportunities of our privileged lives as about gaining any useful leverage against true adversaries such as time, space, and the income tax. Of course, the more radical our dreams get, the more they begin to look like our nightmares. Weren't the Taliban most easily identified from the air by their fully loaded Toyota 4Runners? In the isolated comfort of our luxury SUVs, we see the afterimage—or perhaps the harbinger—of war.

If War Is Hell, You'll Want Four-Wheel Drive

War has been very good to us. Not necessarily morally, of course. And not even economically. But automotively, there's little doubt that armed conflict has led to dozens of industrial innovations that have eventually trickled down to middle-class Americans—even if these innovations are as specious, supposedly, as the SUV.

In a small shrine in the foothills of El Dorado National Forest rests what may be the SUV's fossilized archetype. At a homespun private museum in Placerville, California, the oldest existing military Jeep rests in its own split-cedar carport. Dating from 1941, it's the older of two surviving prototypes built by the Willys Overland company. And lest there be any mistake that this is an off-roading museum, rather than a military museum, the curator is most proud of the fact that the oldest surviving Jeep has participated in two Jeepers Jamborees.

The original Jeep, of course, is not technically an SUV at all. In many interesting ways, it's the antithesis of the contemporary sport utility vehicle. And yet it is the first passenger vehicle designed with four-wheel drive—and this essentially fits the definition of the SUV. (Definitions of the SUV differ so radically that the only common factor seems to be four-wheel drive. Many pickups, of course, also are equipped with four-wheel drive. One might easily argue that pickup trucks, which predate SUVs, represent the same things spiritually, emotionally, and socially that late-model SUVs represent.)

While there were four-wheel-drive vehicles that predated the military Jeep, they were mostly highly specialized trucks and pickups. Many of these vehicles were developed during World War I, which was the first broadly mechanized war. But most military vehicles were either massive two-wheel-drive trucks, track-driven tanks, or motorcycles. When the French used Parisian taxi cabs to rush soldiers to the German front in 1914, military officials realized that light and fast passenger cars might be useful to military

Fantasy sustains us all, and we should stop pretending that adult toys are any less important.

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campaigns—as long as there were passable roads between here and there.

As war smoldered in Europe in the late 1930s, American military officials began to prepare for the inevitable. In updating the military's fleet, they saw a gaping hole: There were no smaller passenger vehicles capable of light reconnaissance and general-purpose transportation, i.e., moving information, people, and equipment quickly and efficiently. There were heavy, two-ton personnel carriers, motorcycles with sidecars, and ceremonial sedans. But there were no small cars that could handle off-road conditions. In World War I, the mule had actually filled this role. (In fact, early prototypes of the Jeep were sometimes nicknamed "mules.") In the 1920s and '30s, pickup trucks were fitted with four-wheel drive and tested, but it was thought that their profile was too high on the battlefield, and they were too heavy. No single vehicle existed that was adequate for the job.

So in the summer of 1940, a group of officials from the Quartermaster Corps and the U.S. Infantry drew up a list of specifications for their ideal scouting vehicle. First, they wanted an automobile that weighed less than 1,200 pounds, a car that could conceivably be lifted by three or four men, thus making it easy to transport around the globe without support vehicles. Second, the car had to have plenty of power. They wanted it to be able to pull at least half its own weight—the better to tow trailer-mounted artillery such as the 37-millimeter anti-tank gun. Powerful but light and able to handle off-road duty, the proposed car would need four-wheel drive and a wheelbase under 80 inches. Even with these rigorous field requirements, the Army also wanted the car to be capable of driving at least 50 miles per hour on pavement. On July 2, 1941, this seemingly impossible list of specs was distributed to every American auto manufacturer. It was an open invitation for bids to design and build such a vehicle. Any takers were given 90 days to build a prototype from scratch.

Only two companies responded with bids: Willys Overland and a small Pennsylvania car company called American Bantam. The only two companies that took an interest in this new vehicle had been building small, unprestigious passenger cars for the civilian market. American Bantam was the failing remains of a company that had been established to manufacture a domestic version of the Austin, a lightweight economy car from Great Britain. Willys Overland was building stripped-down commercial trucks and vans. Already during the '30s, American cars generally sported V-6 and V-8 engines; both Bantam and Willys were throwbacks, barely holding on with dependable but unglamorous four-cylinder engines favored by niche markets.

Only American Bantam came through with a serious bid and a prototype. Willys drew up a weight-and-cost bid but couldn't meet the 90-day deadline. Bantam, on the other hand, was a company on the brink of insolvency—a successful government contract could give it new life. It hired a designer named Karl Probst, who went to work designing the new vehicle. Within 10 days, Probst had more or less drafted the Jeep as we know it today. While the Army's list of specs was highly defined, it was Probst who really put a face on the new car, still meeting all of the performance requirements laid out in the solicitation—except for the weight restriction, which turned out to be impossible. The Jeep was designed as a boxy vehicle to minimize the need for complicated sheet metal drawing and braking. It was supposed to be no more difficult to put together than a refrigerator—an antique aesthetic that has improbably survived into the 21st century.

By the end of September 1941, Probst's design was approved, and the Army processed an order for 4,500 vehicles. Willys and the Ford Motor Company were asked to share in the manufacturing because Bantam was too small an operation. The automobile was already being called a "gen-

r any more complicated—than children's toys.

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eral purpose" vehicle. Predictably the military abbreviated this to *G.P.*, which presumably was foreshortened in speech to *Jeep*. There are other theories about how the car got its name. For example, E.C. Segar's *Thimble Theater* comic strip in the 1930s featured a character named Eugene the Jeep (and one called Popeye). Earlier tractors and earthmoving vehicles were occasionally referred to as jeeps.

The rest is military history: The Jeep performed beautifully during World War II, and its presence was felt on every continent. By V-Day in June 1946, more than 300,000 Jeeps had been built, mostly by Ford and Willys. Although the U.S. government asked both companies midway through the war to remove their logos from the production vehicles, Willys officials quietly and presciently had the term *Jeep* trademarked. They seemed to intuit the value of the vehicle during peacetime, and they were already positioning themselves for whatever civilian market there might be for the beloved vehicles.

A Chicken in Every Pot, a Jeep in Every Driveway

Throughout the war, the Jeep came to be considered the automotive companion of the serviceman. Military men saw the Jeep, more than any other vehicle, as an everyday helpmeet. The automotive culture that had flowered in the 1920s, when cars first became aesthetic extensions of young men and women, migrated naturally to the military. Cars already had assumed a role at the center of the American and English identity. It was only fitting that the military's equivalent of the utility passenger vehicle would become an icon not only of Allied military strength but of Western values. In fact, the Jeep was so ubiquitous around the globe that the locals, especially in Europe, fell in love with it. While Europe rebuilt, Jeeps were useful literally and figuratively, and many civilians bought up decommissioned vehicles for personal use.

The history of the SUV proper doesn't really begin until World War II ends. During the postwar expansion of the American economy, Willys exercised its trademark and became the sole owner of the *Jeep* name. It also was the only company willing to continue building the vehicle. By 1949, Willys began to expand its model lines to include a four-wheel-drive station wagon that combined the comforts of a family car with the stripped-down utility of a commercial truck. This "woody," so called because of its distinctive wooden side panels, was effectively the first SUV.

The market for such a vehicle was limited mostly to farmers, ranchers, and sportsmen. Throughout the 1950s and '60s, Americans were enjoying the golden age of the behemoth land yacht—the age of the Cadillac Sedan DeVille and the Lincoln Town Car—that signaled a different sense of self than the SUV. While there were small pockets of off-roading enthusiasts, the mentality and culture of the SUV would remain on the fringe for 20 years. In fact, through the 1970s, and especially in the midst of the first and second OPEC energy crises, the trend was decidedly in the direction of smaller, more efficient cars. By the time Jimmy Carter took office in 1976, the Volkswagen Beetle had become the best-selling automobile on the planet.

Yet almost as soon as Ronald Reagan became president, American automakers suddenly and inexplicably turned their backs on the "small is beautiful" aesthetic. Once again, land yachts became the order of the day. But this time they weren't DeVilles and Town Cars; they were Grand Cherokees and Suburbans, Broncos and Troopers. The sudden convergence of cheap steel with plummeting oil prices set the automotive industry back 30 years in terms of fuel economy. The recent recession notwithstanding, we have been in the midst of an SUV explosion ;for almost 20 years. And even in the dawning days of the 21st century, with our whole world turned upside down, the SUV is the most popular vehicle in the nation. Perhaps it's precisely because our whole world has been turned upside down. Zero percent financing certainly doesn't hurt.

Extreme times accentuate our faith—and our foibles. The SUV, with its origins in war and its maturation in peace, is a powerful synecdoche. The artifice of these cars—the rugged look, the impression of self-reliance and security they give—is complimented by real brawn under the hood and on the chassis.

Back in Disney World, I am reminded how important fantasy really is. And how, when the details all fall together, the line between fake and real is not only negligible but ultimately irrelevant. If at this point in history there is anything more American than Mickey, Donald, and Minnie, then surely it's Mickey, Donald, and Minnie in an SUV. As if to avoid the appearance of favoritism or brand nationalism, they ride in the triumvirate of authoritative, historical SUVs: the American Jeep and its direct postwar descendants, Britain's Land Rover and Japan's Toyota Land Cruiser. Still, beneath the confetti paint job, the spit-shined hubcaps, and the bootblack tires, those are some serious off-roading vehicles. The children and the adults are impressed, each in their own way. ▮

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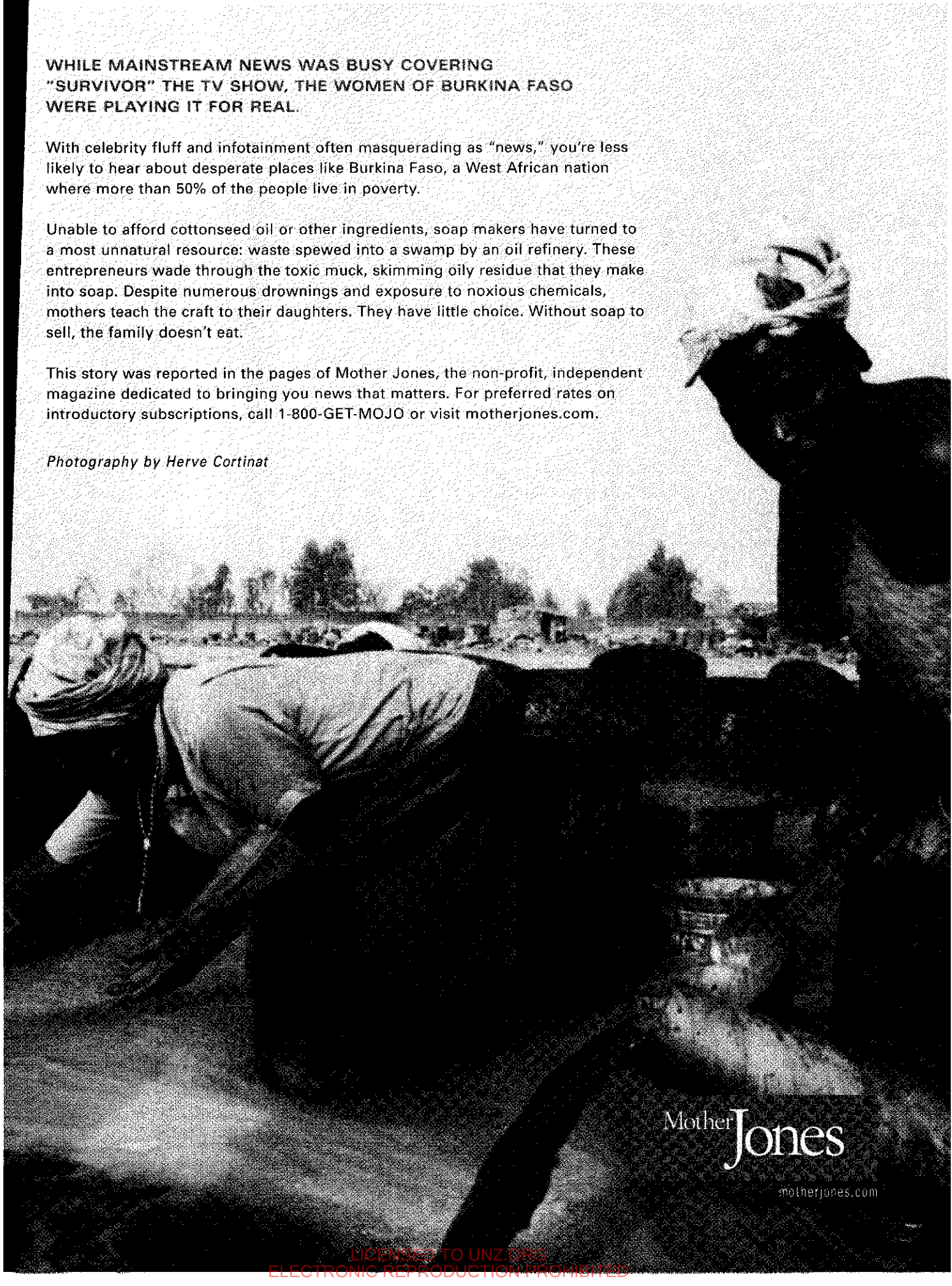
WHILE MAINSTREAM NEWS WAS BUSY COVERING "SURVIVOR" THE TV SHOW, THE WOMEN OF BURKINA FASO WERE PLAYING IT FOR REAL.

With celebrity fluff and infotainment often masquerading as "news," you're less likely to hear about desperate places like Burkina Faso, a West African nation where more than 50% of the people live in poverty.

Unable to afford cottonseed oil or other ingredients, soap makers have turned to a most unnatural resource: waste spewed into a swamp by an oil refinery. These entrepreneurs wade through the toxic muck, skimming oily residue that they make into soap. Despite numerous drownings and exposure to noxious chemicals, mothers teach the craft to their daughters. They have little choice. Without soap to sell, the family doesn't eat.

This story was reported in the pages of Mother Jones, the non-profit, independent magazine dedicated to bringing you news that matters. For preferred rates on introductory subscriptions, call 1-800-GET-MOJO or visit motherjones.com.

Photography by Herve Cortinat



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Stand and Deliver Revisited

The untold story behind the famous rise—and shameful fall—of Jaime Escalante, America's master math teacher.

Jerry Jesness

THANKS TO THE popular 1988 movie *Stand and Deliver*, many Americans know of the success that Jaime Escalante and his students enjoyed at Garfield High School in East Los Angeles. During the 1980s, that exceptional teacher at a poor public school built a calculus program rivaled by only a handful of exclusive academies.

It is less well-known that Escalante left Garfield after problems with colleagues and administrators, and that his calculus program withered in his absence. That untold story highlights much that is wrong with public schooling in the United States and offers some valuable insights into the workings—and failings—of our education system.

The real tale highlights much that is wrong with public schools in the United States.

Escalante's students surprised the nation in 1982, when 18 of them passed the Advanced Placement calculus exam. The Educational Testing Service found the scores suspect and asked 14 of the passing students to take the test again. Twelve agreed to do so (the other two decided they didn't need the credit for college), and all 12 did well enough to have their scores reinstated.

In the ensuing years, Escalante's calculus program grew phenomenally. In 1983 both enrollment in his class and the number of students passing the A.P. calculus test more than doubled, with 33 taking the exam and 30 passing it. In 1987, 73 passed the test, and another 12 passed a more advanced version ("BC") usually given after the second year of calculus. By 1990, Escalante's math enrichment program involved over 400 students in classes ranging from beginning algebra to advanced calculus. Escalante and his fellow teachers referred to their program as "the dynasty," boasting that it would someday involve more than 1,000 students.

That goal was never met. In 1991 Escalante decided to leave Garfield. All his fellow math enrichment teachers soon left as well. By 1996, the dynasty was not even a minor fiefdom. Only seven students passed the regular ("AB") test that year, with four passing the BC exam—11 students total, down from a high of 85.

In any field but education, the combination of such a dramatic rise and such a precipitous fall would have invited analysis. If a team begins losing after a coach is replaced, sports fans are outraged. The decline of Garfield's math program, however, went largely unnoticed.

Movie Magic

Most of us, educators included, learned what we know of Escalante's experience from *Stand and Deliver*. For more than a decade it has been a staple in high school classes, college education classes, and faculty workshops. Unfortunately, too many students and teachers learned the wrong lesson from the movie.

Escalante tells me the film was 90 percent truth and 10 percent drama—but what a difference 10 percent can make. *Stand and Deliver* shows a group of poorly prepared, undisciplined young people who were initially struggling with fractions yet managed to move from basic math

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to calculus in just a year. The reality was far different. It took 10 years to bring Escalante's program to peak success. He didn't even teach his first calculus course until he had been at Garfield for several years. His basic math students from his early years were not the same students who later passed the A.P. calculus test.

Escalante says he was so discouraged by his students' poor preparation that after only two hours in class he called his former employer, the Burroughs Corporation, and asked for his old job back. He decided not to return to the computer factory after he found a dozen basic math students who were willing to take algebra and was able to make arrangements with the principal and counselors to accommodate them.

Escalante's situation improved as time went by, but it was not until his fifth year at Garfield that he tried to teach calculus. Although he felt his students were not adequately prepared, he decided to teach the class anyway in the hope that the existence of an A.P. calculus course would create the leverage necessary to improve lower-level math classes.

His plan worked. He and a handpicked teacher, Ben Jimenez, taught the feeder courses. In 1979 he had only five calculus students, two of whom passed the A.P. test. (Escalante had to do some bureaucratic sleight of hand to be allowed to teach such a tiny class.) The second year, he had nine calculus students, seven of whom passed the test. A year later, 15 students took the class, and all but one passed. The year after that, 1982, was the year of the events depicted in *Stand and Deliver*.

The *Stand and Deliver* message, that the touch of a master could bring unmotivated students from arithmetic to calculus in a single year, was preached in schools throughout the nation. While the film did a great service to education by showing what students from disadvantaged backgrounds can achieve in demanding classes, the Hollywood fiction had at least one negative side effect. By showing students moving from fractions to calculus in a single year, it gave

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the false impression that students can neglect their studies for several years and then be redeemed by a few months of hard work.

This Hollywood message had a pernicious effect on teacher training. The lessons of Escalante's patience and hard work in building his program, especially his attention to the classes that fed into calculus, were largely ignored in the faculty workshops and college education classes that routinely showed *Stand and Deliver* to their students. To the pedagogues, *how* Escalante succeeded mattered less than the mere fact *that* he succeeded. They were happy to cheer Escalante the icon; they were less interested in learning from Escalante the teacher. They were like physicians getting excited about a colleague who can cure cancer without wanting to know how to replicate the cure.

The Secrets to His Success

How did Escalante attain such success at Garfield? One key factor was the support of his principal, Henry Gradillas.

Escalante's program was already in place when Gradillas came to Garfield, but the new principal's support allowed it to run smoothly. In the early years, Escalante had met with some resistance from the school administration. One assistant principal threatened to have him dismissed, on the grounds that he was coming in too early (a janitor had complained), keeping students too late, and raising funds without permission. Gradillas, on the other hand, handed Escalante the keys to the school and gave him full control of his program.

Gradillas also worked to create a more serious academic environment at Garfield. He reduced the number of basic math classes and eventually came up with a requirement that those who take basic math must concurrently take algebra. He even braved the wrath of the community by denying extracurricular activities to entering students who failed basic skills tests and to current students who failed to maintain a C average.

In the process of raising academic standards at Garfield, Gradillas made more than a few enemies. He took a sabbatical leave to finish his doctorate in 1987, hoping that upon his return he would either be reinstated as principal of Garfield or be given a position from which he could help other schools foster programs like Escalante's. He was instead assigned to supervise asbestos removal. It is probably no coincidence that A.P. calculus scores at Garfield peaked in 1987, Gradillas' last year there.

Escalante remained at Garfield for four years after Gradillas' departure. Although he does not blame the ensuing administration for his own departure from the school, Escalante observes that Gradillas was an academic principal, while his replacement was more interested in other things, such as football and the marching band.

Gradillas was not the only reason for Escalante's success, of course. Other factors included:

The Pipeline. Unlike the students in the movie, the real Garfield students required years of solid preparation before they could take calculus. This created a problem for Escalante. Garfield was a three-year high school, and the junior high schools that fed it offered only basic math. Even if the entering sophomores took advanced math every year, there was not enough time in their schedules to take geometry, algebra II, math analysis, trigonometry, and calculus.

So Escalante established a program at East Los Angeles College where students could take these classes in intensive seven-week summer sessions. Escalante and Gradillas were also instrumental in getting the feeder schools to offer algebra in the eighth and ninth grades.

Inside Garfield, Escalante worked to ratchet up standards in the classes that fed into calculus. He taught some of the feeder classes himself, assigning others to handpicked teachers with whom he coordinated and reviewed lesson plans. By the time he left, there were nine Garfield teachers working in his math enrichment program and several teachers from other East L.A. high schools working in the summer program at the college.

Tutoring. Years ago, when asked if Garfield could ever catch up to Beverly Hills High School, Gradillas responded, "No, but we can get close." The children of wealthy, well-educated parents do enjoy advantages in school. Escalante did whatever he could to bring some of those advantages to his students.

Among the parents of Garfield students, high school graduates were in the minority and college graduates were a rarity. To help make up for the lack of academic support available at home, Escalante established tutoring sessions before and after school. When funds became available, he arranged for paid student tutors to help those who fell behind.

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Escalante's field-leveling efforts worked. By 1987, Gradillas' prediction proved to be partially wrong: In A.P. calculus, Garfield had outpaced Beverly High.

Open Enrollment. Escalante did not approve of programs for the gifted, academic tracking, or even qualifying examinations. If students wanted to take his classes, he let them.

His open-door policy bore fruit. Students who would never have been selected for honors classes or programs for the gifted chose to enroll in Escalante's math enrichment classes and succeeded there.

Of course, not all of Escalante's students earned fives (the highest score) on their A.P. calculus exams, and not all went on to receive scholarships from top universities. One argument that educrats make against programs like Escalante's is that they are elitist and benefit only a select few. Conventional pedagogical wisdom holds that the poor, the disadvantaged, and the "culturally different" are a fragile lot, and that the academic rigor usually found only in elite suburban or private schools would frustrate them, crushing their self-esteem. The teachers and administrators that I interviewed did not find this to be true of Garfield students.

Wayne Bishop, a professor of mathematics and computer science at California State University at Los Angeles, notes that Escalante's top students generally did not attend Cal State. Those who scored fours and fives on the A.P. calculus tests were at schools like MIT, Harvard, Yale, Berkeley, USC, and UCLA. For the most part, Escalante grads who went to Cal State-L.A. were those who scored ones and twos, with an occasional three, or those who worked hard in algebra and geometry in the hope of getting into calculus class but fell short.

Bishop observes that these students usually required no remedial math, and that many of them became top students at the college. The moral is that it is better to lose in the Olympics than to win in Little League, even for those whose parents make less than $20,000 per year.

Sadly, there is no inner-city school anywhere in the U.S. with a calculus program anything like Escalante's in the 1980s.

Death of a Dynasty

Escalante's open admission policy, a major reason for his success, also paved the way for his departure. Calculus grew so popular at Garfield that classes grew beyond the 35-student limit set by the union contract. Some had more than 50 students. Escalante would have preferred to keep the classes below the limit had he been able to do so without either denying calculus to willing students or using teachers who were not up to his high standards. Neither was possible, and the teachers union complained about Garfield's class sizes. Rather than compromise, Escalante moved on.

Other problems had been brewing as well. After *Stand and Deliver* was released, Escalante became an overnight celebrity. Teachers and other interested observers asked to sit in on his classes, and he received visits from political leaders and celebrities, including President George H.W. Bush and actor Arnold Schwarzenegger. This attention aroused feelings of jealousy. In his last few years at Garfield, Escalante even received threats and hate mail. In 1990 he lost the math department chairmanship, the position that had enabled him to direct the pipeline.

A number of people at Garfield still have unkind words for the school's most famous instructor. One administrator tells me Escalante wanted too much power. Some teachers complained that he was creating two math departments, one for his students and another for everyone else. When Escalante quit his job at Garfield, John Perez, a vice president of the teachers union, said, "Jaime didn't get along with some of the teachers at his school. He pretty much was a loner."

In addition, Escalante's relationship with his new principal, Maria Elena Tostado, was not as good as the one he had enjoyed with Gradillas. Tostado speaks harshly about her former calculus teachers, telling the *Los Angeles Times* they're disgruntled former employees. Of their complaints, she said, "Such backbiting only hurts the kids."

Escalante left the program in the charge of a handpicked successor, fellow Garfield teacher Angelo Villavicencio. Escalante had met Villavicencio six years previously through his students—he had been a math teacher at Griffith Junior High, a Garfield feeder. At Escalante's request and with Gradillas' assistance, Villavicencio came to Garfield in 1985. At first he taught the classes that fed

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into calculus; later, he joined Escalante and Ben Jimenez in teaching calculus itself.

When Escalante and Jimenez left in 1991, Villavicencio ascended to Garfield's calculus throne. The following year he taught all of Garfield's AB calculus students—107 of them, in two sections. Although that year's passing rate was not as high as it had been in previous years, it was still impressive, particularly considering that two-thirds of the calculus teachers had recently left and that Villavicencio was working with lecture-size classes. Seventy-six of his students went on to take the A.P. exam, and 47 passed.

That year was not easy for Villavicencio. The class-size problem that led to Escalante's departure had not been resolved. Villavicencio asked the administration to add a third section of calculus so he could get his class sizes below 40, but his request was denied. The principal attempted to remove him from Music Hall 1, the only room in the school that could comfortably accommodate 55 students. Villavicencio asked himself, "Am I going to have a heart attack defending the program?" The following spring he followed Escalante out Garfield's door.

Top-down reforms are mandating lockstep procedures for classroom instructors. These steps might help make dismal teachers into mediocre ones, but what will they do to brilliant mavericks?

Scattered Legacy

When Cal State's Wayne Bishop called Garfield to ask about the status of the school's post-Escalante A.P. calculus program, he was told, "We were doing fine before Mr. Escalante left, and we're doing fine after." Soon Garfield discovered how critical Escalante's presence had been. Within a few years, Garfield experienced a sevenfold drop in the number of A.P. calculus students passing their exams. (That said, A.P. participation at Garfield is still much, much higher than at most similar schools. In May of 2000, 722 Garfield students took Advanced Placement tests, and 44 percent passed.)

Escalante moved north to Sacramento, where he taught math, including one section of calculus, at Hiram Johnson High School. He calls his experience there a partial success. In 1991, the year before he began, only six Johnson students took the A.P. calculus exam, all of whom passed. Three years later, the number passing was up to 18—a respectable improvement, but no dynasty. It had taken Escalante over a decade to build Garfield's program. Already in his 60s when he made his move, he did not have a decade to build another powerhouse in new territory.

Meanwhile, Villavicencio moved to Chino, a suburb east of Los Angeles. He had to take a pay cut of more than $7,000, since his new school would pay him for only six of his 13 years in teaching. (Like many districts, the Chino Valley Unified School District had a policy of paying for only a limited number of years of outside experience.) In Chino, Villavicencio again taught A.P. calculus, first in Ayala High School and later in Don Lugo High School.

In 1996 he contacted Garfield's new principal, Tony Garcia, and offered to come back to help revive the moribund calculus program. He was politely refused, so he stayed at Don Lugo. Villavicencio worked with East Los Angeles College to establish a branch of the Escalante summer school program there. This program, along with more math offerings in the district's middle schools, allowed Villavicencio to admit even some ninth-graders into his calculus class.

After Villavicencio got his program running smoothly, it was consistently producing A.P. calculus passing scores in the 30 percent to 50 percent range. Buoyed by his success, he requested that his salary be raised to reflect his experience. His request was denied, so he decided to move on to another school. Before he left, Don Lugo High was preparing to offer five sections of AB calculus and one section of BC. In his absence, there were only two sections of AB and no BC.

Meanwhile, after seeing its calculus passing rate drop into the single digits, Garfield is experiencing a partial recovery. In the spring of 2001, 17 Garfield students passed the AB calculus exam, and seven passed the BC. That is better than double the number of students passing a few years ago but less than one-third the number passing during the glory years of Escalante's dynasty.

And after withering in the absence of its

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founder, the Escalante program at East Los Angeles College has revived. Program administrator Paul Powers reports that over 1,000 high school students took accelerated math classes through the college in the year 2000. Although the program now accepts students from beyond the college's vicinity, the target pupils are still those living in East L.A.

Nationally, there is no denying that the Escalante experience was a factor in the growth of Advanced Placement courses during the last decade and a half. The number of schools that offer A.P. classes has more than doubled since 1983, and the number of A.P. tests taken has increased almost sixfold. This is a far cry from the *Zeitgeist* of two decades ago, when A.P. was considered appropriate only for students in elite private and wealthy suburban public schools.

Still, there is no inner-city school anywhere in the United States with a calculus program anything like Escalante's in the '80s. A very successful program rapidly collapsed, leaving only fragments behind.

This leaves would-be school reformers with a set of uncomfortable questions. Why couldn't Escalante run his classes in peace? Why were administrators allowed to get in his way? Why was the union imposing its "help" on someone who hadn't requested it? Could Escalante's program have been saved if, as Gradillas now muses, Garfield had become a charter school? What is wrong with a system that values working well with others more highly than effectiveness?

Barn Building

Lyndon Johnson said it takes a master carpenter to build a barn, but any jackass can kick one down. In retrospect, it's fortunate that Escalante's program survived as long as it did. Had Garfield's counselors refused to let a handful of basic math students take algebra back in 1974, or had the janitor who objected to Escalante's early-bird ways been more influential, America's greatest math teacher might just now be retiring from Unisys.

Gradillas has an explanation for the decline of A.P. calculus at Garfield: Escalante and Villavicencio were not allowed to run the program they had created on their own terms. In his phrase, the teachers no longer "owned" their program. He's speaking metaphorically, but there's something to be said for taking him literally.

In the real world, those who provide a service can usually find a way to get it to those who want it, even if their current employer disapproves. If someone feels that he can build a better mousetrap than his employer wants to make, he can find a way to make it, market it, and perhaps put his former boss out of business. Public school teachers lack that option. There are very few ways to compete for education dollars without being part of the government school system. If that system is inflexible, sooner or later even excellent programs will run into obstacles.

Escalante has retired to his native Bolivia. He is living in his wife's hometown and teaching part time at the local university. He returns to the United States frequently to visit his children. When I spoke to him he was entertaining the possibility of acting as an adviser to the Bush administration. Given what he achieved, he clearly has valuable advice to give.

Whether the administration will take it is another question. We are being primed for another round of "education reform." One-size-fits-all standardized tests are driving curricula, and top-down reforms are mandating lockstep procedures for classroom instructors. These steps might help make dismal teachers into mediocre ones, but what will they do to brilliant mavericks like Escalante?

Before passing another law or setting another policy, our reformers should take a close look at what Jaime Escalante did—and at what was done to him.

Jerry Jesness (furnes@yahoo.com) is a special education teacher in Texas' Lower Rio Grande Valley.

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Breast Men

Mexican immigrants want to fillet our chickens. The INS is determined to stop them.

Melinda Ammann

Amador Anchondo-Rascon speaks in a low, soft voice, switching so fluidly from English to Spanish that I'm surprised when I suddenly don't understand what he's saying. Although he has lived in this country for more than two decades and speaks fluent English, he gives the impression that he's more comfortable speaking the Spanish he grew up with in Cuauhtemoc, Mexico. Wearing a bright orange jumpsuit, he sits at a table in a Chattanooga, Tennessee, jailhouse, speaking with small gestures of his cuffed hands and fiddling with an invisible cigarette. He swears he doesn't smoke or drink, but he will admit to helping friends and relatives cross the border illegally.

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Anchondo-Rascon is a soft-spoken family man, a community leader, and a felon. He has spent most of the last two years in jail, first in Texas, then in Tennessee, both times charged with transportation of illegal aliens. The latest charges also include conspiracy to provide false documents. He pleaded guilty to these charges as part of an agreement with federal prosecutors that will cap his sentence at five years in exchange for his testimony against Tyson Foods and six current and former employees of the company.

Because Anchondo-Rascon is a key witness in a case much larger than his own, he hopes he will be able to strike a bargain that lets him return to his life in Shelbyville, Tennessee, where he and his wife, Robertina, own and operate a Hispanic grocery store. At best, he may be able to go home after being sentenced to time served. At worst, he may be deported to Mexico. (A sentencing hearing was scheduled for May 20.)

According to an indictment filed last December in U.S. District Court in Chattanooga, Tyson Foods made a regular practice of hiring illegal aliens for several plants, including a fresh chicken processing plant in Shelbyville. Anchondo-Rascon allegedly acted as a recruiter of immigrants for the plant, working with Tyson managers to maintain a flow of employees from Mexico. The plant always needed laborers, and there was a steady supply of immigrants who were ready and willing to take the jobs. Since the indictment against Tyson, about 200 immigrants have lost their jobs at the 1,200-employee Tyson plant in Shelbyville, a town with a population of about 16,000.

The indictment of the world's largest poultry producer on charges that it conspired to import undocumented laborers has brought renewed attention to the immigration problem– not the problem of religious zealots with bombs in their shoes but the lower-profile one posed by millions of people who come to the United States to do our dirty work. The Bush administration has pushed Congress to extend a program that makes it easier for some of these people to get resident alien ("green") cards, and the president has signaled that he may be open to a broader amnesty for illegal immigrants or an expanded guest-worker program. But the Tyson case, which has received national attention, makes it clear that many people– Americans and Mexicans, powerful executives and poor immigrants– feel they can't afford to wait for changes in the law.

Model American

Anchondo-Rascon's story is like those of many who have come to the U.S. from Mexico in search of a better life. After years of hard work and perseverance, he managed to buy a house, start a business, and raise a family. His entrepreneurial instincts also drew him to a market niche created by immigration laws that block the free flow of human capital.

In 1979 Anchondo-Rascon, then 21, walked across the border into New Mexico. He walked 240 miles through the desert, a trip that took about 10 days. He left a job that paid well by local standards, in a Mexican oil refinery where he made $20 to $30 a week. When he arrived in the U.S., he began hoeing cotton and doing irrigation work in New Mexico for $35 to $40 a day. He moved to Florida before settling in Tennessee, where he has lived since 1986. He worked in the tree nurseries in McMinnville with his brother until he heard about the better-paying jobs at Tyson.

The Tyson Foods plant in nearby Shelbyville hired Anchondo-Rascon in 1989 to debone and pack chicken. He worked hard and was promoted to supervisor. In 1995 Anchondo-Rascon figured that his little town, where Latino immigrants were pouring in, was ripe for a Hispanic grocery store. He left Tyson to open Los Tres Hermanos with $1,500 in savings. When the store opened, corn flour for making tortillas was its sole product, but it quickly grew to offer a wide range of Hispanic groceries, music, and other imports. Anchondo-Rascon's brother-in-law opened a similar store in McMinnville.

Shelbyville lies in Bedford County, Tennessee, which has about 38,000 residents, 7.5 percent of them Latinos. From 1990 to 2000, the county's Hispanic population grew by 1,500 percent. Bedford County is a microcosm of immigration from Mexico, the leading source of both legal and illegal immigrants to the U.S. In addition to the 91,000 legal Mexican immigrants who arrive each year, the Census Bureau estimates there are nearly 4 million illegal Mexican immigrants in this country.

The flow of immigrants from south of the border has changed the face of Shelbyville. Los Tres Hermanos, which serves as an orientation center for newcomers as well as a grocery store, has been a part of that transformation. As an interpreter, Anchondo-Rascon was invaluable to those who

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needed to go to court, translate documents, or get license plates, and he became a leader in the Hispanic community. He maintained friendly ties with proprietors of various businesses in town, such as Celebration City Motors, where he bought a car when he first arrived. Anchondo-Rascon developed a good relationship with the owner by paying off his debt ahead of schedule, and he recommended newcomers he considered good credit risks to the car dealership, which was happy to have the business.

Hispanic immigrants to Shelbyville, who included Guatemalans as well as Mexicans, had no problem finding work. Most were hired by the town's largest employer, Tyson, where about half the current work force is Hispanic. They didn't need to speak English well to work on the line processing chicken, and the pay, which was higher than minimum wage and included health insurance, was better than the pay in pencil manufacturing, the other dominant local industry. The Hispanic influx continued unabated throughout the 1990s, but it abruptly reversed after an 18-month investigation by the Immigration and Naturalization Service (INS) culminated in a 36-count indictment against Tyson in December 2001. Since the indictment, hundreds of Hispanics have left Shelbyville, having lost their jobs or fearing deportation. Amador Anchondo-Rascon has landed in jail, while his worried wife tries to keep the family business going.

Bill Logue, the Shelbyville officer who handles most police business with the local immigrant population, arrested Anchondo-Rascon in July 2000. He was acting on behalf of the U.S. Border Patrol, which wanted the grocer on immigrant-smuggling charges unrelated to the Tyson case. Logue had seen increasing numbers of immigrants presenting false documents in traffic stops and investigations of domestic disturbances. He had a couple of leads that made him suspect Anchondo-Rascon. When asked where they got false documents, some immigrants would mutter "Los Tres Hermanos."

In 1998 an immigrant caught with fake identification during a traffic stop agreed to help police collect evidence against Anchondo-Rascon. The man walked into Los Tres Hermanos wearing a police wire and asked if he could get a Social Security card and a resident alien card. Anchondo-Rascon told the man he should come back with a photograph and $200. The whole process took a couple of weeks, longer than usual.

Logue, a Shelbyville police officer for 13 years, says violent crimes remained steady during the influx of Hispanic immigrants, while misdemeanor offenses such as driving under the influence and hit-and-run collisions increased. "They learned that in Mexico if they hit someone and called the police, the police would beat them up or extort money from them," he says. Mexicans learn to view government authorities, including local police officers, more as abusive antagonists than public servants.

The most serious crimes to increase have been forgery and ID theft, both of which carry felony charges. Most immigrants arrested with false documents face such charges, but "99.9 percent" of them, according to Logue, are downgraded to misdemeanor charges because the courts simply cannot process that many felonies. Besides, the individual with false documents is not the law's main concern. "I'm not interested in prosecuting the little guy who comes across the border to build a better life," says Logue. Although he believes nearly all the immigrants who get false papers know they're breaking the law, the people he really wants to nab are the middlemen who provide false documents to the little guys.

In addition to the 91,000 legal Mexican immigrants who arrive each year, the Census Bureau estimates there are nearly 4 million illegal Mexican immigrants in this country.

Faked Out

You get what you pay for when purchasing false documents. A Social Security card or green card can be procured for as little as $100. Some are obvious fakes to anyone who's seen the genuine article before. A well-forged birth certificate and Social Security card may cost up to $1,500. Most of the Social Security cards Logue has seen are forged with numbers in a series not yet issued by the Social Security Administration (SSA), so a familiarity with issued numbers and a simple check reveal them as fakes. Better are cards with "good" numbers– ones already issued by the SSA to other individuals– that are stolen, purchased, or forged.

Matthew Baez of Esperanza del Barrio, a nonprofit group that provides social services for

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the Hispanic community in Chattanooga, says most undocumented Hispanic immigrants start cheap and trade up. A first set of documents might cost $100 and will be good enough to get a job in dry cleaning, landscaping, or construction. After a few weeks or months, an immigrant will have saved enough money to purchase higher-quality documents that will help him or her secure a better job.

Social Security cards with good numbers pass the scrutiny of screening systems, such as the one used by Tyson Foods, designed to catch illegal immigrants presenting false papers. Tyson claims to be one of the first large companies to use INS-provided software called the Employment Eligibility Verification Program, a.k.a. the Basic Pilot Program, to filter illegal immigrants out of its work force. Tyson started using the program in 1996.

According to the indictment against Tyson, "If the document, such as a Social Security card or a green card, provided by the employee was counterfeit but contained a true Social Security number or alien registration number issued to a real person of that name (even though the person supplying the card was an imposter and not the person stated on the card) it would pass the EVP/Basic Pilot Program, even though the card was counterfeit and was obtained illegally, as the defendants and the other coconspirators then and there well knew." The indictment quotes defendant Truly Ponder, former complex manager at Tyson's Shelbyville operation, saying to an INS undercover agent while arranging for new immigrant employees that applicants must provide documents that will "in the computer... look like they're good [Social Security] numbers."

Another defendant, Spencer Mabe, former complex personnel manager and former plant manager in Shelbyville, is quoted as saying to an INS undercover agent posing as a recruiter, "We can pay you $100 a head.... All I need to know, a guarantee these people are going to stay a while.... But I need about 15. Quick as you can. They're able to go through the computer, right?" The INS agent responded that his friend in California had "been getting some numbers.... He probably, you know, can give me a good deal... good numbers." Mabe replied, "I understand that if they go through the [Tyson] computer like you said, there will be no questions asked on my end."

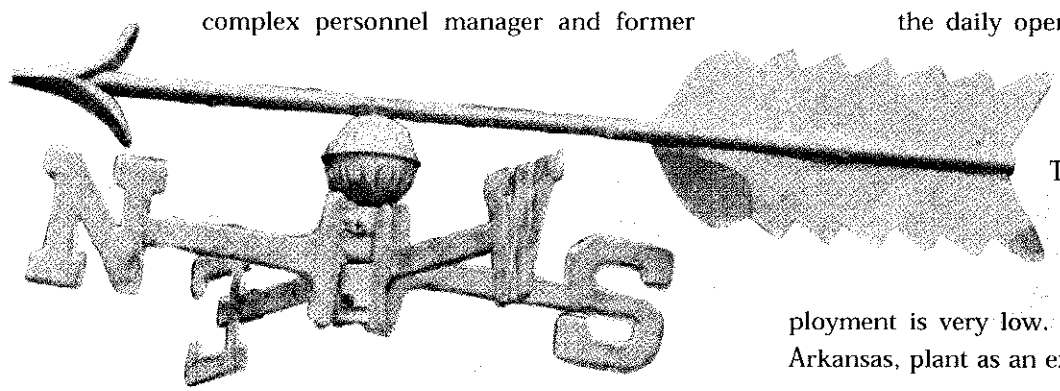
Finder's Fee

According to the indictment, Anchondo-Rascon would receive a "recruitment fee" of $200 per employee. He had to guarantee that the applicant's Social Security number would pass muster and that he would work at Tyson for at least six months. If the employee left early, Anchondo-Rascon would have to supply a replacement.

Another method by which Tyson allegedly conspired to hire illegal immigrants was by arranging for temporary workers to fill full-time slots without full-time benefits. The temp agencies did not use the Basic Pilot Program, and the indictment charges that Tyson knew many of the workers were not authorized for employment in the U.S.

Ironically, since the indictment for conspiracy to hire illegal immigrants, Tyson has been put on notice by another division of the Department of Justice for being too scrupulous in checking the legal status of immigrant applicants. The DOJ's Civil Rights Division sent letters to Tyson in May 2000 and January 2002 regarding its inquiry into allegations that the company's plants in Sedalia, Missouri, and Noel, Missouri– both of which are named in the conspiracy indictment– discriminated against immigrants by scrutinizing their employment verification documents too closely. It seems Tyson is damned if it does and damned if it doesn't.

Tyson says it highly values the Hispanic immigrants who work at its plants. These immigrants are essential to the daily operations that put dinner on tables across America. Rebutting the claim that immigrants take jobs away from American workers, Tyson spokesman Ed Nicholson says immigrants make up a substantial proportion of the company's work force only where unemployment is very low. He points to Tyson's Pine Bluff, Arkansas, plant as an example of a site where few immi-



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grants work because the unemployment rate is relatively high, so local people take the jobs. In general, he says, "The Latino work force is not competing with the local available work force; they're augmenting it. Anybody who wants to work can work."

And here is where the crux of the INS's real problem lies. The U.S. demand for laborers is simply too high for Hispanic immigration to stop or even slow down. Anchondo-Rascon's attorney, Michael Friedman, who has represented many Latino immigrants, observes that getting a U.S. work visa in Mexico is a long and harrowing process. "If it was easy to do– if it was possible to do– believe me, they wouldn't be risking their lives to come here," he says.

Undocumented immigrants flow northward through a dangerous underground railroad, paying "coyotes" to escort them through the desert and past the Border Patrol's checkpoints. After they leave loved ones behind, pay anywhere from a few hundred to a few thousand dollars, and endure the physically demanding trip, there is still no guarantee of success, as Anchondo-Rascon can attest. He was caught and escorted back to Mexico by the Border Patrol the first time he made it to the U.S., when he was 16. But working through the legal process to be documented and immigrate legally is often an even more frustrating, expensive, and time-consuming process, also without assurance of success. As long as there are jobs to be had and workers south of the border making less than they can in the U.S., there will be immigration, whatever the law says.

"If there aren't jobs, people won't come," says Paul Portland, a Catholic priest in Shelbyville. "The jobs that the illegals do, the people here don't want to do. It's hard work.... Ask anyone who employs Mexican workers– they're happy."

Portland came to Shelbyville a couple of years ago to lead St. William's Catholic Rectory. The diocese realized the little town needed a bilingual priest to serve the growing Hispanic population, about 95 percent of which grew up Catholic. The church offers four services during the week: two in English, one in Spanish, and one in both languages. As a bilingual leader of his congregation, Portland offers more than religious services. "I go to the hospital, to the doctor, to the drug store with people," he says.

The town lacks a social infrastructure for the Hispanic community, Portland says, and this contributes to immigrants' vulnerability, whether they have genuine documents or not. Services that Americans take for granted are daily struggles. Many who speak only Spanish save their money under the mattress because they don't trust banks or don't know how to communicate with bankers. They don't always report crimes when they are victimized or get medical care when they need it. Portland says the town needs more bilingual lawyers, doctors, firefighters, and police.

Portland scoffs at the notion that Hispanic immigrants come to this country to take advantage of government-sponsored social services. "People say they're not paying taxes, but that's baloney," he says. "They're paying sales tax. They're paying Social Security taxes, and they'll never see any of that. If they're illegal, they can't get it back."

Portland, who interacts daily with illegal immigrants, follows a "don't ask, don't tell" policy with his congregants. "They'd rather be at home, but they can't live there," he says. "People want jobs. People want to give jobs. We ought to find a way to let that happen where people aren't so vulnerable."

Tyson is charged with preferring illegal immigrants to documented workers because employees afraid of arrest and deportation are willing to put up with poor working conditions. The company is accused, for example, of giving illegal workers fewer bathroom breaks and forcing them to be more productive by moving conveyor belts faster. Illegal workers were less likely to complain to management, file a grievance with government agencies, seek workmen's compensation benefits, or be absent from work.

Bush seems to understand that Mexicans deserve economic opportunity—in the sense of freedom to engage in voluntary, productive exchange—as much as anyone born north of the Rio Grande.

Villains or Victims?

Officer Logue believes intermediaries such as Amador Anchondo-Rascon are taking advantage of illegal immigrants. He sees them as ruthless gangsters who profit from the desperation of the undocumented. But Anchondo-Rascon can also be seen as another victim, a pawn in a high-stakes game that's played on a much larger scale

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than a small-time "crook" like him could imagine. Tyson has made millions in profits– $100 million, according to an INS estimate– with the help of hard-working immigrants who might not be in this country without Anchondo-Rascon's help. His thanks: the threat of deportation to the country he began struggling to escape as a teenager.

The INS makes Tyson out to be the bad guy: a big corporate bully anxious to hire illegal immigrants because they will work harder for longer hours and accept substantially less pay than legal residents or U.S. citizens. But those who understand how markets work may not be so quick to condemn Tyson. As the indictment emphasizes, the company desperately needed workers for jobs that most Americans won't take. Someone has to do the dirty work of transforming a live bird into a boneless, skinless chicken breast.

Undocumented Opportunity

Most Americans probably would not fault the undocumented immigrants themselves for making the hard choice to come to the U.S. After all, they simply want to work and build better lives for their families. They're more than willing to travel thousands of miles, work backbreaking shifts six or seven days a week for meager pay, and send a good deal of their earnings home in order to slowly piece together their own American dream. Most of the immigrants who have left Shelbyville since the Tyson indictment are not headed back to Mexico. They are still looking for better opportunities.

Friedman, Anchondo-Rascon's attorney, says he hopes the Tyson case will spur the government to take "the action that President Bush and [Mexican] President [Vicente] Fox outlined in August to document these workers– give them status, give them recourse, and protect them." Last summer a White House task force on immigration headed by Secretary of State Colin Powell and Attorney General John Ashcroft went so far as to suggest amnesty for the 4 million or so undocumented Mexican immigrants living in the U.S. When he met with Bush last August, Fox pressed for reform by the end of the year. Then came the attacks of September 11.

Some Republicans have always seen amnesties for undocumented workers as undeserved rewards to people who manage to get away with breaking laws that others patiently obey. Since last fall these opponents have been joined by others who cite terrorism as a reason to be leery of any effort to liberalize immigration policies. (Never mind that terrorists from Mexico do not loom large as threats to U.S. security.) After the House of Representatives voted in March to extend an existing program that allows undocumented workers with relatives in the U.S. to seek green cards without leaving the country, Sen. Robert Byrd (D-W. Va.) promised to block a vote on the measure in the Senate. "It is lunacy– sheer lunacy– that the president would request, and the House would pass, such an amnesty at this time," he said. Bush hoped to bring an extended visa program for Mexicans living in the U.S. to the table when he met with President Fox in late March, but the House-approved measure remained stalled in the Senate.

While it may be slow in coming, the prospects for reform are better than they've been in recent memory. Bush seems to understand and embrace the simple idea that Mexicans deserve economic opportunity– in the sense of freedom to engage in voluntary, productive exchange– as much as anyone born north of the Rio Grande. As White House spokesman Ari Fleischer said at a press conference last summer, "There are people who are already in this country, contributing to the American economy, even though they may not be legal, and they are paying taxes. As a result of their labor and their efforts, Americans are able to enjoy many aspects of life.... The president wants to make certain that if there is a willing employer who needs a willing worker, we have immigration policies that respect that arrangement."

Anchondo-Rascon hopes to return to Shelbyville and rebuild business at Los Tres Hermanos, which has been slumping since his arrest. He still believes in the Land of Opportunity. "I think America is the greatest country in the world," he says. "We have to work seven days a week, 10 hours a day, but that's OK– as long as we have a good future for our family." ▪

Melinda Ammann (melindaammann@hotmail.com) is a writer living in Atlanta.

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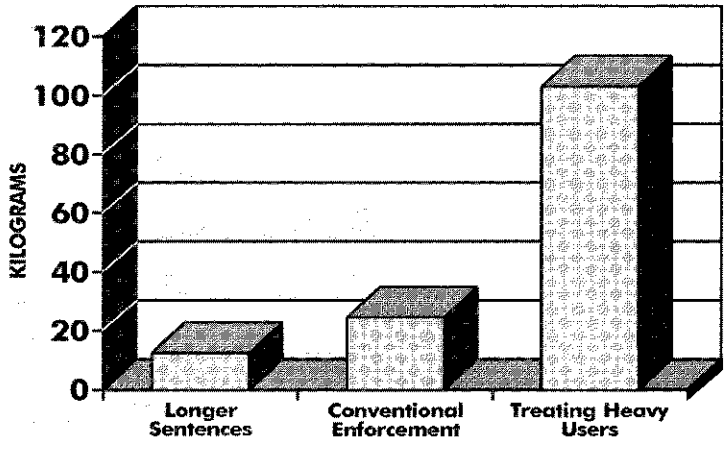
The RAND Corporation finds that drug treatment is more effective and far less costly than longer sentences or conventional enforcement!

The graph at right illustrates that treating heavy cocaine users could reduce consumption by 103 kilograms per extra million dollars.

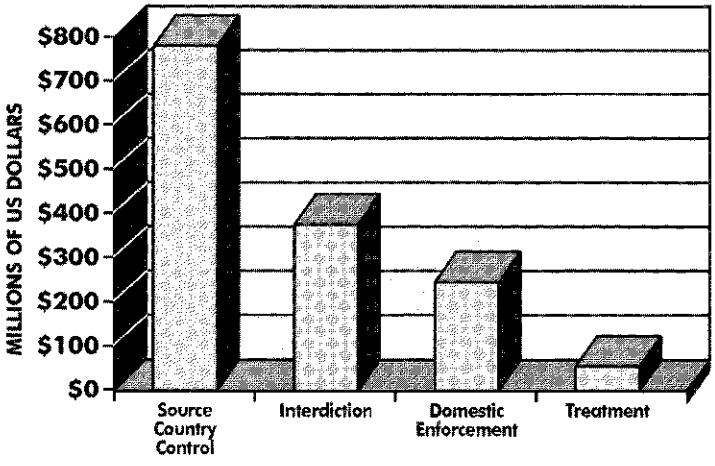
Additional treatment is 4 times more effective than adding law enforcement and 8 times more effective than increasing sentences in reducing cocaine use.

Source: *Throwing Away the Key or the Taxpayers' Money?* (1997), RAND Corp.

COCAINE CONSUMPTION PREVENTED PER ADDITIONAL MILLION DOLLARS SPENT



COST OF REDUCING COCAINE CONSUMPTION BY 1%



The graph compares the cost of reducing cocaine consumption by 1% nationally with 4 different strategies.

Because it actually reduces the demand for cocaine and the societal costs of drug use without requiring massive prison spending:

Added drug treatment is 15 times more effective than law enforcement at reducing the societal costs of cocaine use.

Source: *Controlling Cocaine: Supply Vs. Demand Programs.* (1994), RAND Corp.

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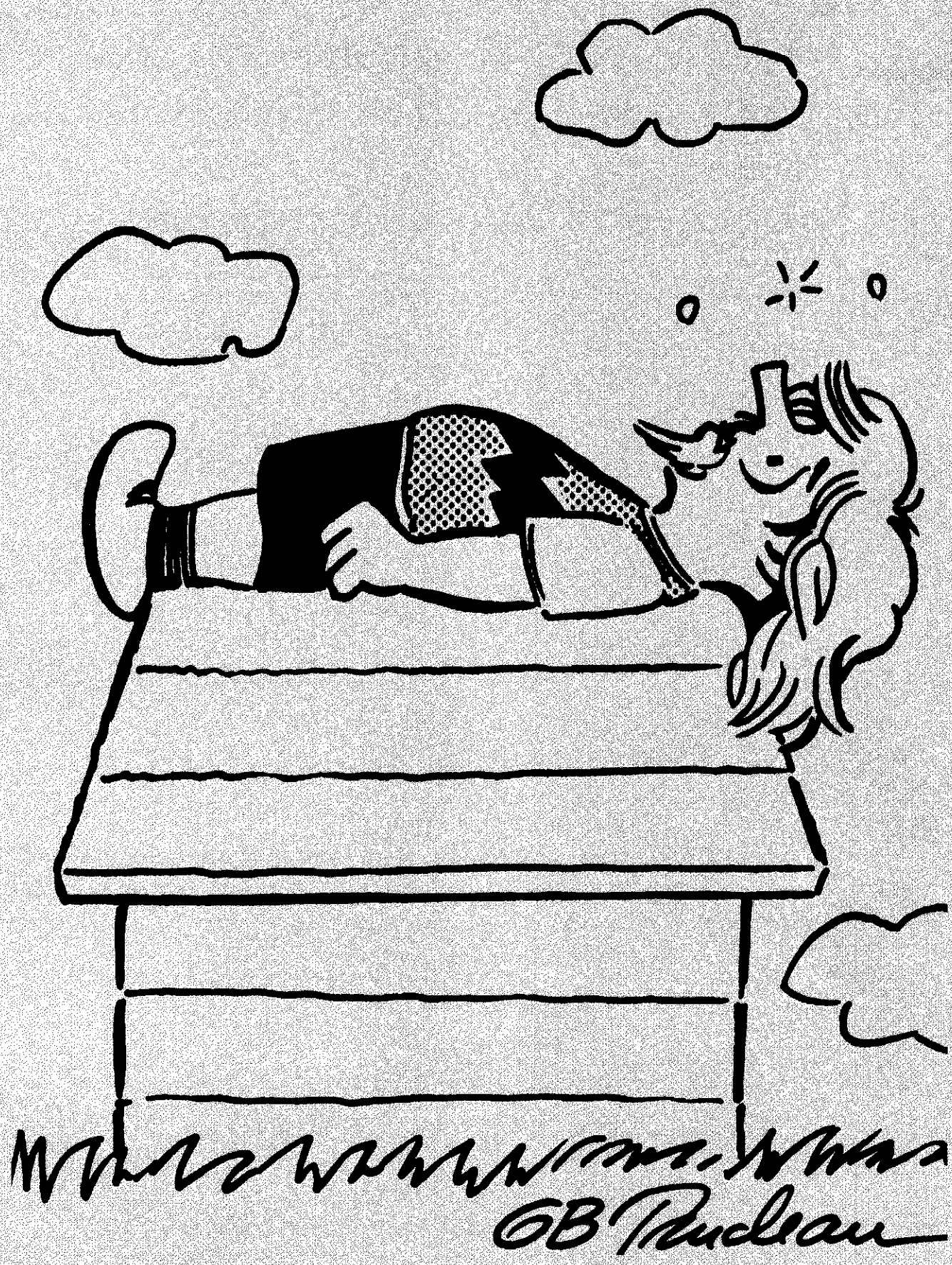

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Doonesburied

The decline of Garry Trudeau—and of baby boom liberalism

Jesse Walker

A KID CALLS the FBI's terrorism tip line. "I am very serious," he says. "I know of several Americans who have helped train and finance Osama bin Laden." The feds ask him for the names. "Well, let's see. First one is Reagan. That's R-E-A-G...Hello? Hello?"

That was an October edition of *The Boondocks*, Aaron McGruder's comic strip about a precocious black radical. The cartoon caused a small furor, with several newspapers refusing to run it. The New York *Daily News* went further, dropping the strip for a month and a half, while other papers shuttled it to the opinion page.

If that sounds familiar, it's because McGruder is scarcely the first cartoonist to have run into such troubles. Walt Kelly's *Pogo*—a much better strip—paved the way in 1953, when it caricatured Joseph McCarthy as a wildcat named Simple J. Malarkey, prompting papers to move the strip to the opinion page, to threaten to drop it entirely, and, in one case, to alter Malarkey's face to tone down the senatorial resemblance. But the king of the controversial cartoonists was Garry Trudeau, whose *Doonesbury* first caused an uproar in 1972, a year before Kelly's death.

It was a Sunday strip. Zonker, Trudeau's permanently blissed-out hippie, was asked to entertain a boy at a day care center. He obliged with the tale of a "gentle freak named Douglas" whose kindness to rabbits was rewarded with a weekend in Nirvana. There, the gods gave him "his weight in fine, uncut hashish."

As soon as the episode appeared, complaints poured in. The editor of *The Abilene Reporter-News* wrote, "I have seldom experienced such an angry reaction on anything in my 20 years as the chief editorial executive of this newspaper."

I found that quote on doonesbury.com, Trudeau's newly revamped Web site, which includes a self-congratulatory archive of "controversial strips." There is a pattern to these ire-inspiring cartoons. The early ones—the aforementioned tale of rabbits and hash, or the 1973 strip declaring that Watergate conspirator John Mitchell was "Guilty, guilty, guilty!!"—are famous, at least to those of us who follow the funny papers. These episodes made Trudeau's reputation and built his audience; for every editor who refused to run them, another two picked up the strip. Sometimes the figure being satirized even issued an angry public rebuttal. The original George Bush, in his vice presidential days, declared that "the American people are going to be speaking out, and we'll see whether they side with *Doonesbury* or the Reagan-Bush message."

The controversies kept coming, through the '70s and early '80s: A law student reveals he's gay; a woman goes to bed with a man not her husband; a reporter takes a tour of Reagan's brain. When Frank Sinatra was awarded the Medal of Freedom, Trudeau ran a series on the singer's mob ties. In 1985 the Universal Press Syndicate, which distributes *Doonesbury*, implored Trudeau to withdraw a series mocking the anti-abortion film *Silent Scream*. He published it instead in *The New Republic*.

If there was brilliant satire here, there was also brilliant marketing: *Doonesbury* was now branded as a strip for smart people. Trudeau had already won the Pulitzer Prize for editorial cartooning, an award never before given to a comic strip (and rarely given to someone who is actually funny). Now he was being published in *The New Republic*, which in those days stood at the commanding heights of the Washington pundit class. When Trudeau won his Pulitzer in 1975, the Editorial Cartoonists' Society passed a resolution condemning the decision. No cabal of thinkocrats issued a similar dictat 10 years later.

With influence came power.

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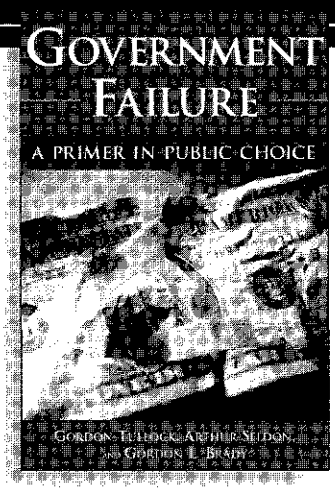
Government Earns an F in Econ 101



When market forces fail us, who will step in to protect the public interest? The government, right? Wrong. This romantic view of bureaucrats coming to the rescue confuses the true relationship between economics and politics. Politicians often cite "market failure" as justification for meddling with the economy, but a group of leading scholars show that this view of an omniscient government correcting an imperfect market is badly mistaken. In *Government Failure,* the authors introduce the basic concepts of this school of study, known as "public choice," which uses the tools of economics to judge government behavior and shows the folly of excessive faith in the state.

Government Failure: A Primer in Public Choice
Gordon Tullock, Arthur Seldon, and Gordon L. Brady
185 pages/cloth $18.95/paper $9.95

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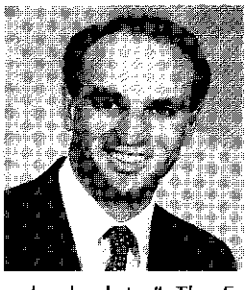

The Essence of Objectivism

An Introduction to Ayn Rand's "Philosophy for Living on Earth"

By William Thomas, M.A.

Its title taken from Ayn Rand's famous summary in the appendix to *Atlas Shrugged,* "My philosophy, in essence, is the concept of man as a heroic being, with his own happiness as the moral purpose of his life, with productive achievement as his noblest activity, and reason as his only absolute," *The Essence of Objectivism* provides a structured introduction to the key ideas of Objectivism. The result is a thought-provoking 6-lecture CD course that is intended for those who are new to Rand's work or have enjoyed her novels but are not deeply familiar with her philosophy. Here you will see how Rand's ideas fit together, how her philosophy is illustrated both in her fiction and in real life, and how Objectivism contrasts with philosophic and religious views that pervade our culture today.

This course is accompanied by a 48-page study guide, which outlines each lecture in detail with numerous visual aids and suggests topics for discussion and materials for further study.

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While newspapers steadily reduced the sizes of the strips in their funny pages, Trudeau alone was able to insist that his cartoon stay unshrunk. Not that it always mattered what went on in the comics section: Like *Pogo* before it, *Doonesbury* was often printed on the opinion page, away from all the cartoon rabble. Papers originally shifted the strip to the op-ed page to ward off children's eyes and reader anger, but its new resi-

Trudeau's career arc mirrors the evolution of baby-boom liberalism, from the anti-authoritarian skepticism of the 1970s to the smug paternalism of the Clinton years.

dence soon became a mark not just of danger, but of seriousness.

But for a humorist, the wrong kind of seriousness can be fatal. Keep reading that archive of controversial strips, or examine the Web site's even more extensive timeline of *Doonesbury*'s history. Gradually, two things happen: The controversies become less familiar, and the strips become less funny. The two phenomena were conjoined in 1990, when some papers refused to run a bland series mocking Dan Quayle's notorious purchase of "Pedro, the anatomically explicit gag doll." When the *Pine Bluff Commercial* blocked the strips, its editors wrote, "Those of us in the newspaper business are obliged to cover the tasteless, but we see no reason to publish material on this page that is both tasteless and boring." The site quotes the *Commercial*'s complaint. It fails to note that the paper had a point.

By 2001, while McGruder was stirring up trouble with *The Boondocks,*

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Trudeau was quietly withdrawing the cartoons originally slated to run the week after September 11. The strips had questioned the president's intelligence, you see, and now just wasn't the time for that sort of thing. A handful of papers accidentally printed the withdrawn strips, and Trudeau received some angry e-mails. One appears on the Doonesbury site: "How can you possibly be so insensitive and out of touch with the national sentiment? I am shocked and dismayed that your September 17 strip would attack the president in a time of national crisis."

DUKE? IS THAT YOU, DUKE?
HUH?
WHAT ARE YOU DOING IN WASHINGTON? I THOUGHT.
THAT'S CLOSE ENOUGH, CHUMP!
DUKE... IT'S ME, SPRINGFIELD, FROM THE N.R.A. REMEMBER?
OH. SPRINGFIELD. WHAT'S THE IDEA OF SNEAKING UP ON ME LIKE THAT? I COULDA BLOWN YOU AWAY!
I'M SORRY THAT WOULD HAVE BEEN YOUR RIGHT.
I KNOW, BUT I DON'T WANNA GET THROWN OUTTA HERE.
4-22
G.B. Trudeau

The scathing reply: "In response to the 9-11 attacks Trudeau withdrew a week-long series of daily strips critical of Bush—already mailed to client newspapers—replacing them with 'Flashback' strips. Unfortunately a handful of papers, including the one you read, did not follow these instructions for the first few days of the week of 9-17."

Not that Trudeau gave up on satire. In a November strip—a good one, to give the cartoonist his due—Karl Rove informs the president that "it turned out that the missile defense program, and corporate tax cuts, and subsidies for the power industry, and oil drilling in Alaska...in fact, most of the items on our political agenda...are *all* justified by the war against terrorism!"

"Wow...what a coincidence... thanks, evildoers!" replies Bush.

Neither Rove nor Bush felt the need to respond to the cartoon, and no newspapers refused to run it—or if they did, doonesbury.com uncharacteristically fails to mention it. Instead, the site has printed a selection of e-mails attacking the strip. "Garry, the blood of the Sept. 11 victims is on your hands," says one. Another asks, "What junior college did you drop out of?"

So Trudeau still has the power to piss people off. It says something, though, that he has to publish their complaints himself.

Controversy and quality are not the same thing, of course. But there is a direct link between *Doonesbury*'s declining relevance and *Doonesbury*'s declining merit, a common cause for both afflictions. Trudeau's career arc mirrors the evolution of baby-boom liberalism, from the anti-authoritarian skepticism of the 1970s to the smug paternalism of the Clinton years. In 1972 the strip was engaged with the world; in 2002 it is engaged with itself.

I mean that literally. In 1972 *Doonesbury* rewarded intelligence; in 2002 it rewards familiarity with its own mythology and conventions. In 1972 it trusted readers to know the politics and pop culture of the day; in 2002 it trusts us to understand that a floating waffle represents Bill Clinton, a floating bomb represents Newt Gingrich, and a floating asterisk represents George W. Bush. The strip has grown so self-referential that it makes jokes about its own self-referentiality, with Sunday strips devoted to charting the relationships among the characters. And so *Doonesbury* folds in upon itself, and Trudeau ends up producing his own fan fiction.

This becomes even more obvious at the Web site—not just because it is filled with trivia games and the like, but because it now includes every single *Doonesbury* since the strip was launched in 1970 (plus the two years of Trudeau's college strip *Bull Tales*, featuring the same characters, that preceded that). The result is one giant hypertext novel, a nearly complete guide to the *Doonesbury* universe. Only a 1977 TV special, a 1983 Broadway musical, and some Web-only material produced during the 2000 election are missing.

One effect of this is to put the oldest and most recent strips on the same plane, to let one jump easily from the '70s to today and back. The results do not flatter the modern cartoon. True, the drawing is better-crafted now, though that's not necessarily an improvement: There's something to be said for the static poses of the strip's first decade and a half, at least when compared to the sometimes self-indulgent shifts in

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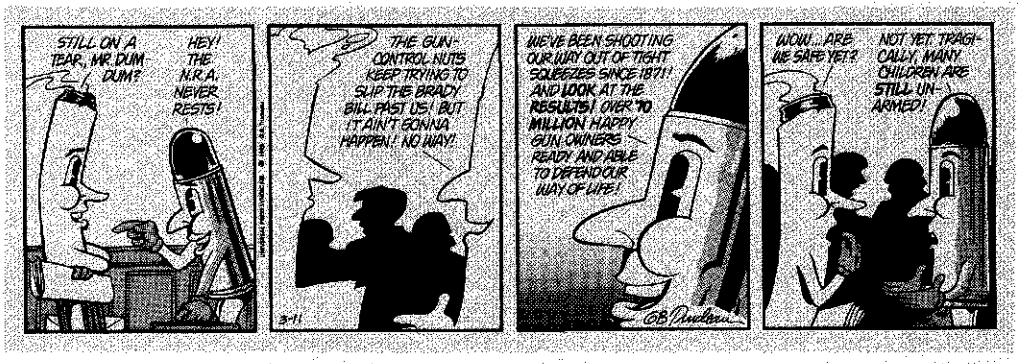
lighting and camera angles that prevail today. In its art as in its humor, the early *Doonesbury* combined understated irony with bursts of absurdity. The later strip never stops hitting you over the head.

A subtler change: how young people talk. Trudeau was in his 20s during the strip's early run and thus had no trouble imagining that college students—at the time, most of his major characters were in college—would be


STILL ON A TEAR, MR. DUM DUM?
HEY! THE N.R.A. NEVER RESTS!
THE GUN-CONTROL NUTS KEEP TRYING TO SLIP THE BRADY BILL PAST US! BUT IT AIN'T GONNA HAPPEN! NO WAY!
WE'VE BEEN SHOOTING OUR WAY OUT OF TIGHT SQUEEZES SINCE 1871! AND LOOK AT THE RESULTS! OVER 70 MILLION HAPPY GUN-OWNERS READY AND ABLE TO DEFEND OUR WAY OF LIFE!
WOW... ARE WE SAFE YET?
NOT YET. TRAGICALLY, MANY CHILDREN ARE STILL UNARMED!

smart and engaged with the world. (Or, in the case of Zonker, smart and engaged with his own world.) They have the same self-awareness as the strip, and they speak like educated people. When draft registration returned in 1980, for example, the cast discussed it like this:

Zonker: It's not fair! Why is it we 20-year-olds have to pay for the failures of U.S. foreign policy?

Mark: That's the way it's always been, man.

Mike: Well, it's not like we've been drafted. Carter's just trying to send the Kremlin a message.

Those characters, like their creator, are now middle-aged, and they still speak the same way. Meanwhile, there's a new crop of college kids in the strip, and they don't know much about the world. They speak the way an older man expects teenagers to speak: They say "yo" a lot, and they ask questions like, "Can you teach us how to get shaggy with the babes?" If Trudeau no longer captures the *Zeitgeist*, it might be because he's started writing about it from the outside.

But the biggest change is political. There was a libertarian streak to '70s liberalism: Disillusioned by Watergate and Vietnam, invigorated by the rebellions of the '60s, it was socially tolerant, supportive of civil liberties, suspicious of executive power, ready to investigate and dismantle the national security state, and even open to deregulation when it was presented in populist garb. (Few remember that it was Ted Kennedy and Ralph Nader, not Ronald Reagan, who pushed through airline deregulation.) Needless to say, this current quickly disappeared—banished from the Democratic mainstream by the '80s, its last gasp in that party was Jerry Brown's presidential campaign of 1992. But it had an effect on popular culture, not least with the pox-on-all-houses tone of the younger satirists and their outlets: Trudeau, the *Rolling Stone* that published Hunter Thompson in his heyday, the early *Saturday Night Live*. This obviously wasn't a strong strain, or else it wouldn't have vanished so quickly in the '80s, either capitulating to the new political tone or adopting the anybody-but-Reagan stance that flung liberals back into the arms of Hubert Humphrey. (Walter Mondale, actually, but for practical purposes they're the same thing.) Still, for nearly a decade, an anti-authoritarian style was regnant within American liberalism.

Not, mind you, that Trudeau was a libertarian then, any more than he was a Clintonite 20 years later. But there was an unmistakable shift in the strip's political tone, even when the strip's politics stayed the same; it moved from the clever to the loud, from the smart ass to the ass. If there was a turning point, it was the late-'80s introduction of Mr. Butts, the enormous talking cigarette who soon came to embody the entire tobacco industry. ("Hey, *teens*!...Getting hooked on cigarettes is *fun*—and surprisingly easy! For just a few dollars a day, you'll have a glamorous new habit for *life*!") Similar characters followed, notably Mr. Jay, Mr. Brewski, and Mr. Dum-Dum, representing pot, alcohol, and firearms.

What did this mean for the strip? Consider one issue where Trudeau's opinion hasn't changed but his tone has: gun control. First examine this 1981 exchange between the strip's resident outlaw and a flunky from the National Rifle Association, set in a Washington bar:

Springfield: Duke...it's me, Springfield! From the N.R.A., remember?

Duke: Oh...Springfield, what's the idea of sneaking up on me like that? I coulda blown you away!

Springfield: I'm sorry. That would have been your right.

Now jump to 1993, as a giant cigarette and a giant bullet prepare to lobby Congress.

Mr. Butts: Still on a tear, Mr. Dum-Dum?

Mr. Dum-Dum: Hey! The N.R.A.

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never rests! The gun-control nuts keep trying to slip the Brady Bill past us! But it ain't gonna happen! No way! We've been shooting our way out of tight squeezes since 1871! And *look* at the *results*! Over 70 *million* happy gun owners ready and able to defend our way of life!

Mr. Butts: Wow...are we safe yet?

Mr. Dum-Dum: Not yet. Tragically, many children are *still* unarmed!

I disagree with Trudeau about gun control, but I still think the first strip is funny. The second one just hectors us. It isn't controversial so much as it's annoying.

Trudeau is not the only cartoonist to decline with age. Frank King's *Gasoline Alley* brought high art to the Sunday funnies in the 1920s and '30s, but it never matched those masterpieces in the decades that followed. Charles Schulz's *Peanuts* was in top form from the mid '50s through the mid '70s, then grew blander; by the end, it was not so much a comic as an outgrowth of the greeting card industry. Even *Pogo* peaked early, in the 1950s, though it stayed funny, relevant, and controversial until its creator's death in 1973.

If Trudeau's only sin were not living up to his early work, that would be understandable. But he's moving toward a far less pleasant future, toward a fate like that of *Li'l Abner* auteur Al Capp. Capp's strip, insightful and hilarious in its day, was little more than a permanent tantrum at the end; it felt like the product of a befuddled old man, desperately angry at the youth movements of the '60s but too far removed from them to lampoon them effectively. (There was sharper satire of the hippies in the underground comics of Robert Crumb, wiser cracks about the New Left in—well, in the early years of *Doonesbury*.) There's an unpleasant parallel between *Li'l Abner* making dumb jokes about "Joanie Phoanie" Baez the millionaire folk singer and *Doonesbury* shooting witless potshots at Mr. Dum-Dum. And there's another parallel, no less ugly, between the decay of Capp's generation of liberals and the decay of the later left that shocked Capp in the '60s, reinvigorated liberalism in the '70s, then suffered its own sad decline.

If *Doonesbury* is still sometimes interesting, it is because its world is so vast, so sprawling, that it cannot help intersecting with ours. After losing his way in the late '80s, Trudeau recovered, temporarily, with the Gulf War. His barbs weren't as sharp as they were during Vietnam, but the universe he'd built allowed him to examine the new war from multiple angles—one week in Iraq, the next in Washington, the next in Hollywood. Even Mr. Butts briefly became funny, putting down his satiric sledgehammer to tend bar in Kuwait, where his fumes mixed with those of the burning oil wells.

In that way, occasionally, *Doonesbury* returns to form: when the strip's Vietnam veteran returns to Southeast Asia, when its title character starts a dot-com, and even, yes, after September 11, when each of the comic's scattered characters responded to the crisis in his or her own context. Garry Trudeau's fans surely enjoyed such moments, and perhaps a crank or two even sent some angry e-mail to the cartoonist.

It's not clear, though, that anyone else noticed. The strip still appears in almost 1,400 newspapers, but it's lost its cultural cachet. Years ago, Henry Kissinger remarked that the only thing worse than being in *Doonesbury* would be not to be in *Doonesbury*. At some point since then, the strip simply stopped being a fashionable place to be seen. ▮

Associate Editor Jesse Walker (jwalker@reason.com) is author of Rebels on the Air: An Alternative History of Radio in America (NYU Press).

This Magic Mona

The medieval appeal of a modern icon

Charles Paul Freund

When Mona Lisa came to Washington's National Gallery in 1963, the lines of people wanting to see her were so long that each art lover was allowed less than 30 seconds to commune in front of her. The event became notorious for its apparent absurdity; everyone had a good laugh at the spectacle. A decade later, Mona Lisa went to Japan, where viewing time was reduced to an estimated two seconds per visitor.

Why bother? Why, for that matter, do the Louvre's hordes snatch their floorplans and rush to the X that marks the painting's spot? Is "La Gioconda"'s smile any more mysterious than any other painted Renaissance smile? The 500-year-old canvas has become so grimy that the image is actually hard to see, yet no one dares clean the thing. Why is it so famous now, when for some 200 years—from the 17th to the 19th centuries—it was ignored? »

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Color Schemes

Can affirmative action be reconciled with liberal individualism?

Richard A. Epstein

The Anatomy of Racial Inequality, by Glenn C. Loury, Cambridge, Mass.: Harvard University Press, 226 pages, $22.95

Glenn Loury is an intelligent but angry man with a mission: to explain both the origins and the persistence of racial inequality in the United States. Loury, a professor of economics at Boston University, was once that rarest of beings, a black conservative intellectual, with a strong belief in self-reliance and a deep suspicion of affirmative action. In recent years his ideology has changed. His migration to the left has been marked by brushes with the law, attacked as "disingenuous" by Norman Podhoretz in *Commentary*, and chronicled in bemused detail by Adam Shatz in *The New York Times Magazine*.

Although *The Anatomy of Racial Inequality* sheds some light on his conspicuous change of heart, Loury, to his credit, does not dwell on his personal odyssey. He is much more intent on laying out his argument that the "analytic and the philosophical resources of liberal individualism" fail in addressing the situation of black Americans. "Succinctly stated," he writes, "my problem with liberal individualism is that it fails to comprehend how stigma-influenced dynamics in the spheres of social interaction and self-image production can induce objective racial inequality, decoupled from contemporaneous discriminatory acts of individuals, carrying across generations, shaping political and social-cognitive sensibilities in the citizenry, making racial disparity appear natural and nondissonant, stymieing reform and locking in inequality."

Having concluded that the appeal to color blindness is a dangerous distraction from the lingering effects of prejudice, Loury calls for major structural remedies to speed up progress toward racial equality. Most prominently, he adamantly and impatiently defends the affirmative action programs widely used in American higher education. He sees affirmative action as a means of propelling blacks into positions of influence, thereby changing social attitudes ingrained by many years of private and institutionalized bigotry. "What is required," he says, "is a commitment on the part of the public, the political elite, the opinion-shaping media, and so on to take responsibility for such situations as the contemporary plight of the urban black poor, and to understand them in a general way as a consequence of an ethically indefensible past." While there is some merit to Loury's observations about the inadequacy of color blindness, his explanation of racial inequality is only partly successful, and his critique of liberal individualism misses the mark.

Loury finds the persistence of race-based social differences something of a mystery because in his view race is only a "marker" that is easy to observe and difficult to alter. In and of itself a racial marker contains no reliable information about important biological differences between individuals because, quite simply, there are none. Such markers are, however, frequently invested with a "social meaning," whereby individuals both within and outside the racial group attribute certain characteristics to its members. When individuals act based on these social meanings, they construct feedback loops that appear to validate the false assumption of natural differences that people tacitly accept in their everyday lives. When these global impressions recycle, they create a longstanding racial stigma that becomes nearly impossible to shake, even over the course of generations.

One of Loury's instructive examples of "self-confirming racial stereotypes" involves a group of employers who start out with the belief that blacks are less likely to work hard than their white peers. These employers are quicker to fire blacks, because they believe they need less evidence to confirm their original low estimation. Black workers in turn understand that they are under harsh scrutiny and thus invest less energy in doing a job they think they are unlikely to keep. The upshot, according to Loury, is that they exhibit a higher rate of failure, which appears to confirm the false initial assumption about their lesser capacities.

A similar feedback loop operates at night on the streets of any major

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city. Let cab drivers think that young black males are more likely to commit crimes than white ones, and these drivers (of both races) will gravitate to white customers. Honest black males therefore will exit this market, so that the black fares that remain will be in fact more dangerous than the white fares, even when the two overall populations are equally law-abiding.

In these and similar cases, Loury's critical insight is that mistakes in perception lead to mistakes in judgment that reinforce the initial social stigma. Because each actor occupies a small competitive niche, it does not pay him to correct his errors. He can do little to alter the larger, entrenched patterns of social behavior, and he has no incentive to do so, given that his filtered observations are consistent with his assumptions.

In Loury's view, the upshot is clear. Although slavery has been banished since 1865 and the last vestiges of Jim Crow were eliminated more than three decades ago, racial inequality persists. Even without contemporary prejudice, Loury claims, pernicious feedback loops continue their work "indefinitely" unless and until some conscious and determined effort is made to break them. Loury rejects the pious claims of liberals who think market economics or Kantian theorizing, with its emphasis on the universal self-realization of autonomous individuals, can make a dent in these powerful but hidden mechanisms. Attacking such thinking for its "sociological naiveté," he concludes, "I cannot abide the imposition of abstract strictures of neutrality upon a game in which systematically nonneutral practices [i.e., past discrimination] have left so many raced and stigmatized outsiders with so few good cards to play." He insists that the rules need to be changed, at least for the time being.

Loury's account is ingenious, but he goes astray at several points. As a contemporary of Loury, it seems clear to me that he greatly understates the level of racial progress in the United States during our lifetimes. Loury berates the historians Abigail and Stephan Thernstrom for their belief that affirmative action programs in the United States only reinforce the racial differences that wise social policy should seek to eliminate. But he does little to counteract their impressive compilation of data indicating major shifts in racial attitudes and behavior during the last 50 years. The level of social integration across races is greater than it has ever been, and socioeconomic differences have shrunk dramatically. In 1960, the Thernstroms note, 38 percent of black adults were high school graduates, compared to 64 percent of white adults. By 1995 the gap had virtually disappeared: 87 percent of blacks had graduated high school, compared to 88 percent of whites. The Thernstroms report that in 1940 the median black income was 41 percent of the median white income among men and 36 percent among women; by 1995 those ratios had changed to 67 percent for men and 89 percent for women.

To be sure, the economic progress of many blacks has been slower than one would have liked, but feedback loops probably have had little to do with this. I doubt that large institutional employers are ever trapped in the sort of feedback loop Loury describes, given the extensive management systems they use to measure and correct racial discrimination. And if these loops were as powerful and pervasive as Loury suggests, it's hard to see how the dramatic changes of the last half-century could have occurred.

Where else to look? Putting aside the woeful state of public education for inner-city students, much of the difficulty in labor markets could be due to regulations that hurt the people they're designed to help. I speak here of one curious omission from Loury's field of vision: the basic prohibition, in Title VII of the 1964 Civil Rights Act, against discrimination based on race in the

"It's a snowball effect," Donald Sassoon recently told *The Washington Post*. Sassoon, for years a historian of the left, has now taken up the study of taste, and how elite opinion influences popular reception. He calls his subject the "social canon," and his most recent project is *Becoming Mona Lisa: The Making of a Global Icon* (Harcourt Brace).

Sassoon focuses on the process of fame, especially how a little fame can lead to a lot more fame. "It's a very special painting," he told the *Post*, "so Raphael and other people copied it. And it was by Leonardo. And it was in Paris. And intellectuals wrote about it. And it got stolen [in 1911]. And [artist Marcel] Duchamp made fun of it. And it visited the United States. And each is due to the thing before. It gets stolen because it was pretty well known; then Duchamp puts a mustache on it, because he needs something that everybody knows; it gets sent to New York and Washington, because it is a popular painting; it is used in advertising because it was sent all over."

Sassoon's right, of course. The painting entered the modern era's newly constructed publicity machinery without anyone intending to put it there, and has long since emerged as much more than a painting with a spectacular aura; "Mona Lisa" has become an aura that has left its physical canvas behind. It doesn't matter how little time you are given to look at it; it doesn't matter »

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terms and conditions of employment. This sort of legislation has ambiguous economic consequences: Blacks who find jobs will receive some protection against dismissal, but at the same time that protection will make employers, fearing litigation, more reluctant to hire black workers in the first place. One would therefore expect that once Title VII swept away the explicit racial classifications common in the United States before 1964, progress through employment discrimination laws would be slower than many hoped, which has been the case since 1975 or so. Rather than an overall

Loury fails to appreciate how liberal individualism *bolsters* the case for allowing (but never mandating) affirmative action.

improvement in black wage levels, the result of Title VII would be a higher variation in the income of black workers, with the rich getting richer and the poor getting poorer, which seems to be part of the trend.

Loury not only misses the unintended consequences of the 1964 Civil Rights Act; he fails to note that the statute epitomizes the color blindness he deplores for its obliviousness to real social differences. The justification offered by Hubert Humphrey and the law's other leading defenders was that it would prevent employers from being distracted by racial prejudice. Instead they would hire workers based on a pure, disembodied conception of individual merit —the sort of standard that Loury attacks with great vigor and some success.

Columbia University law professor Michael Sovern's 1966 defense of the law, *Legal Restraints on Racial Discrimination in Employment*, stated explicitly that employers were free to make head-to-head comparisons between black and white applicants, disregarding the social and historical handicaps that blacks bring to the hiring hall. The law's supporters believed that eliminating formal discrimination in labor markets would bring about approximate employment equality as the social effects of prior discrimination dissipated with time.

Loury likewise overlooks the fact that the 1964 Civil Rights Act actually slowed down private adoption of the affirmative action programs he defends. Title VII made it unlawful to discriminate against "any individual" on the ground of race, and it took nearly a decade and a half for the Supreme Court to perform the legal legerdemain necessary to reconcile racial preferences for blacks with this clear prohibition against affirmative action.

Loury's confusion about the law leads to a second, more philosophical mistake: He fails to appreciate how liberal individualism *bolsters* the case for allowing (but never mandating) affirmative action. Liberalism, of course, relies on the color-blind principle to guarantee the equality of all individuals under the law. In 1896 Justice John M. Harlan, dissenting from the Supreme Court's tragic decision in *Plessy v. Ferguson*, invoked that principle to attack state-sponsored segregation. Harlan believed in freedom of association and opposed government-created castes. No doubt many whites in his time would have exercised their contractual liberties to discriminate against blacks, but many others would have worked to advance the cause Loury so fervently supports. Such individuals were often thwarted by segregationist legislation.

Nothing in the principles of classical liberalism requires individuals to pursue only their narrow atomistic interests, blind to the broader social context. The prohibition against force and fraud at the heart of a liberal order is designed to curb the dangerous appetites of the most selfish. By stressing an imperfect obligation of benevolence, classical liberalism enlists associational freedom to promote charity, good deeds, and socially responsive behavior by people with more-generous impulses. Captains of industry from John D. Rockefeller to Bill Gates got Loury's point about social context long before he made it, in both their business and charitable activities. Private affirmative action is fully consistent with the psychological underpinnings and normative requirements of liberal individualism.

It therefore should come as no surprise that the voluntary efforts of universities, corporations, and foundations put affirmative action on the map. These programs went far beyond the color-blind commands of the civil rights laws. In their 1998 book *The Shape of the River*, William Bowen and Derek Bok argue that such efforts did by and large achieve their goal of bringing capable black students into the social mainstream. (See "Unexplored Tributaries," February 1999, for my rejoinder.) One need not accept that argument, which has a shaky empirical foundation, to believe that private institutions should be free to do as they please in this area, within the context of their own purposes and budgets. Universities are in the business of organizing cross-subsidies. Their separate

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and decentralized activities will not be narrowly atomistic. Freed of external political pressures, they are far more likely to produce sensible social outcomes than any ham-handed state mandate on affirmative action.

Today's key battle is not over the robust affirmative action programs found in private universities. Rather, it relates to affirmative action in public universities, which opponents claim is barred by the Constitution's guarantee that all citizens will receive "the equal protection of the laws." In the 1995 case *Adarand Contractors v. Pena*, the Supreme Court stated unequivocally that equal protection requires courts to find a compelling state interest for any state or local program that discriminates on the ground of race.

Loury rightly finds it infuriating that the same uncompromising standard should apply to actions designed to rectify past wrongs as to those that perpetuate them. He is quite happy to accept race-blind policies that advance the welfare of blacks and improve the overall social situation. But he has no patience with race-blind policies supported by people who are indifferent to their racial consequences.

Whether the issue is the location of a public facility, the election of public officials, or the choice of a school curriculum, Loury concludes, "To insist on *indifference* to race when approaching these questions is to evidence both political stupidity and a willful disregard of the concerns of social justice."

Again, however, he muddies the waters by failing to lay this unfortunate race-blind dogmatism at the doorstep of the 1964 Civil Rights Act. Instead Loury spurns the classical individualism that offers the best chance to defeat a conservative judiciary bent on dismantling every public affirmative action program in the United States.

Equal protection does mandate that the duties of the night watchman state be discharged in a color-blind fashion. But the same strict standard need not apply when the state assumes the very different function of supplying goods and services to its citizens. In this role it acts in competition with private universities, which under liberal principles should be free to adopt affirmative action programs. The fact that these programs, both public and private, have been so widely adopted (even to excess) in the face of such strong opposition testifies that, in sharp contrast to Jim Crow, they are not the product of a corrupt or factional political system.

Rather, they are an outgrowth of a multidimensional deliberative process that has converged on the same outcome time after time. That virtually every major private corporation and private university embraces some form of affirmative action suggests that state institutions doing the same tasks should be allowed the same latitude. A bar against any form of affirmative action is a tough position to defend inside any organization, public or private. The great danger here is legislative fiat, such as California's Proposition 209, which forces all public universities to conform to Ward Connerly's monochromatic vision of human nature.

Loury should recognize that decentralized social institutions offer the greatest prospect for improving race relations. The Civil Rights Acts were important in securing the demise of Jim Crow, but those laws have long since outlived their usefulness in the regulation of private behavior in competitive markets. Now we need a return to freedom. ▯

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how dark the encrusted canvas is. Anyway, everyone knows exactly what it looks like. The point of "seeing" the Mona Lisa is not even to stand in its aura; the point is to have stood there.

Mona is a woman of power, and that power emerges from "mystery"; Sassoon describes how French author Theophile Gautier established her as a modern *femme fatale*. Yet, for all the modernity of the painting's fame—constructed of endless press coverage, an infinity of cheap reproductions, the praise of a popularizing critical establishment (notably the "decadent" critic Walter Pater), the growth of art museums as uplifters of "mass" taste, etc.—the experience of the Mona Lisa isn't modern at all. In fact, the painting's popular reception is actually a link to the time before art.

For centuries prior to the Renaissance, there was neither art nor artist; there was only the image. Most imagery was religious; some of it was created to be didactic, some to exert spiritual power. So important were the functions of such images, especially those portraying or symbolizing spiritual glory, that in the West their forms were often dictated down to the most minute detail. To deviate from an established form of an image was to risk debilitating its power and therefore its spiritual function. Creative artisans who experimented with these forms were accused of undermining faith and doing harm to the faithful; they could be »

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New Criticism

A history of the 1990s misses the good old days—and the truth.

John J. Pitney Jr.

The Best of Times: America in the Clinton Years, by Haynes Johnson, New York: Harcourt, 624 pages, $27

THE YEAR 1964 came and went a long time ago, and Haynes Johnson seems none too happy about it. At least that's the impression one gets from this ironically titled essay on recent American history. Although the 1990s brought many economic and technological blessings, Johnson, a former *Washington Post* reporter who teaches journalism at the University of Maryland, detects "ill-defined currents of discontent; a sense that something is missing." It quickly becomes clear that he yearns for the old order of an assertive federal government that enjoys popular faith, a traditional media structure in which New York and Washington editors control the information flow, and a big-unit economy in which old-line firms make old-fashioned things under the watchful eye of the Justice Department's Antitrust Division.

In *The Future and Its Enemies* (1998), former **reason** editor Virginia Postrel coined a word for people like Johnson: *stasists*. Preferring yesterday's quiet ("stasis") to tomorrow's open-ended future, stasists are always warning us about troubling trends that call for more planning and regulation. Johnson describes the Clinton years as a decade when every bright light cast a dozen dark shadows. "Technology in a way scares me," a Stanford senior who supposedly represents American youth tells Johnson. "Cloning and those kinds of issues are very scary to me. I want to make sure there are mechanisms in place to control those kinds of things, and I don't know that there will be." Johnson concludes in his last chapter that "the problems promise to become even more tortuous in the future."

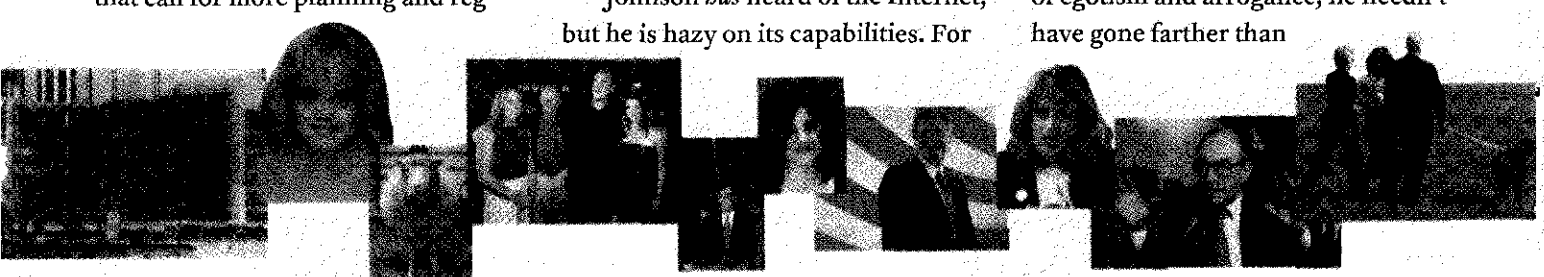
To draw a convincingly dire picture of where we are heading, stasists need a plausible critique of where we have been. But *The Best of Times* is hardly the best of social histories. Johnson seems a stranger in his own time, often sounding like someone who has partially awoken from a long cryogenic sleep. The PBS *NewsHour* erred by including him on its regular panel of historians. He doesn't study yesteryear; he *is* yesteryear.

In the book's first section, "Technotimes," Johnson tells of a visit to Microsoft's corporate headquarters. "Its employees and top executives refer to it as their 'campus,'" he says with an air of discovery. "They all speak of its 'culture,' their 'Microsoft culture.'" He is apparently unaware that firms have long referred to office complexes as "campuses" and that "corporate culture" has been a corporate cliché at least since the 1980s.

Johnson *has* heard of the Internet, but he is hazy on its capabilities. For example, he quotes a Silicon Valley friend as saying that in 10 years it might just be possible to send e-mail in English to Germany and have it come out in German. That friend probably didn't survive the dot-com shakeout since he or she wasn't keeping up. E-mail translation services are already available on a number of Web sites, and although their treatment of idiomatic expressions leaves something to be desired, the basic technology is in place.

It is no surprise that Johnson uncritically accepts the notion of the "digital divide," the purported gap in Internet access between rich and poor, white and black. In a **reason** article three years ago ("Falling for the Gap," November 1999), Adam Clayton Powell III demolished this myth with data that showed increasing access, particularly in the workplace. More recently, other observers, including the U.S. Department of Commerce, have made similar points, but Johnson does not acknowledge their views or, for that matter, just about any free market argument.

Where others could see opportunity, Johnson can see only turmoil. By producing cheap computer operating systems and software programs, Microsoft helped trigger a vast revolution in communications, but Johnson's discussion of the Microsoft antitrust case rails against "the reality of a cutthroat business filled with egotistic, arrogant people." If he really wanted a portrait of egotism and arrogance, he needn't have gone farther than



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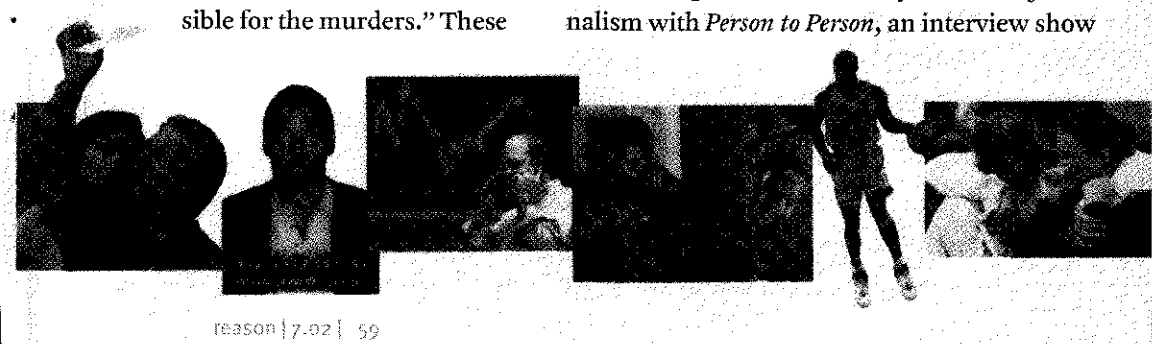
Microsoft's nemesis, U.S. District Judge Thomas Penfield Jackson.

In his next section, "Teletimes," Johnson looks at the mass media and sees even more disturbing signs. Here he does make a point, albeit unintentionally. He worked for many years at *The Washington Post* and now teaches journalism. If his level of accuracy and grasp of historical context represent the best of the profession, then the media have deep troubles indeed. Johnson cites data showing that Internet usage is increasing but claims "that doesn't mean people are using the Internet *news* offerings in greater numbers." Wrong. He should have checked surveys by the Pew Center for the People and the Press (people-press.org). In 1998, 13 percent of adults reported going online for news at least three times a week. Two years later, that figure had grown to 23 percent. Now news junkies can bypass Johnson's friends in big-city editorial offices and instead pick what they want to see, whether from the Associated Press, *Salon*, or **reason online**.

The O.J. Simpson trial is Johnson's main case study of the press in the 1990s. Not only does it represent the blurring of entertainment and news, he says, but it also reveals fundamental attitudes about race. Sixteen months after the not-guilty verdict in the criminal trial, Johnson writes, "an all-white jury in Southern California's suburban Orange County unanimously found Simpson responsible for the murders." These words may sound like a powerful statement about race and society, but they're wrong in two crucial respects. First, the jury in the civil trial was not "all-white." According to self-descriptions, jurors included one Hispanic, one Asian, and one person of Asian and black heritage. Second, the trial took place not in suburban Orange County but in the relatively bohemian Los Angeles County community of Santa Monica. So Simpson lost with a multiethnic jury in a socially liberal city. Doesn't have the same punch when you put it that way, does it?

Johnson claims that television stations are downplaying news, and he blames deregulation by the Federal Communications Commission. Actually, because of market pressure and improved technology, local news broadcasts have become longer and more frequent. Public affairs broadcasting did take a hit during the 1990s, but as the result of *increased* regulation. The "must carry" provisions of the Cable Act of 1992 required cable operators to carry over-the-air broadcast signals on their systems. To make room, many operators dropped C-SPAN—the home of the sort of serious programming that Johnson claims is missing from the tube.

Johnson apparently believes that there was once a golden age of high-minded, morally pristine, and intellectually rigorous journalists. He mentions Walter Lippmann, but historical research has revealed that Lippmann wrote columns praising speeches that he himself had ghostwritten for favored politicians. Johnson quotes a 1958 speech in which the sainted Edward R. Murrow warned that television was already "being used to distract, delude, amuse, and insulate us." He sees prophecy in those words, but he misses their hypocrisy. Murrow himself helped found celebrity television journalism with *Person to Person*, an interview show



punished as if they were criminals.

One rarely if ever looked at a "painting"; one was in the presence of an image. One didn't contemplate the meaning of imagery; rather, imagery had innate power. It's not at all unlike the experience of Louvre patrons and others hurrying past the Mona Lisa. It is not so much a painting that they are given an opportunity to see, but rather a powerful likeness in whose presence they are allowed to pause. Though they attend a palace of Enlightenment bourgeois uplift to see a Renaissance portrait, the experience they have is a medieval one. It comes from a time before art, and suggests a time after it. ◊

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Can't Stop the Music

Don't cry for the record company man.

Brian Doherty

STAN CORNYN WAS a legendary executive for the Warner Music Group, famous for his soft-sell ad campaigns in the late 1960s and early '70s—among his innovative strategies was to advertise how few copies some of his label's critically acclaimed releases sold, thereby making the purchase of a record an act of aesthetic resistance to mass taste.

One of the hippest suits of them all, Cornyn retired from the biz in 1992. He is now back with *Exploding: The Highs, Hits, Hype, Heroes, and Hustlers of the Warner Music Group* (HarperEntertainment), a behind-the-scenes memoir of the record company that dominated the American record industry for over two decades. By dishing about the changes over the past 40 years at the Warner labels, now part of the culture-industry behemoth AOL Time Warner, Cornyn delivers business journalism with a sense of fun. He casts before us, for instance, misty-colored memories of corporate parties in Miami at which crazed participants tossed everything from melons to pianos off balconies.

But he also sees himself as an eyewitness to something like tragedy. He decries, in that hoariest of showbiz clichés, that "the money became more important than music." That's Cornyn's yanked-out-of-his-ass "moral" tacked on to the story of why the Warner Music Group has fallen on comparatively hard times. For much of the past four decades, Warner artists ranging from Fleetwood Mac to Prince to the Red Hot Chili Peppers dominated the pop music scene. But yearly revenue declined by $350 million from 1995 to 1999, domestic market share fell from 22 percent in '95 to 16 percent in 2001, and Warner's worldwide sales rank among the five major music conglomerates has slipped to fourth.

Exploding provides more interesting lessons about the interface between commerce and culture than Cornyn probably intended. Indeed, he unconsciously documents that, at least on the business side, the music has only been important precisely because it makes money. There's nothing wrong with that, of course, but it's hard to escape the feeling that this book is a final self-serving soft pitch by a master marketer.

The Warner Brothers label, linchpin of the Warner Music Group, got off to a slow, pathetic start in 1958 when it signed its first recording "artist," teen idol Tab Hunter, as a new way of generating cash for its parent film studio. Jack Warner almost pulled the plug on the venture a year later, but then a last-minute signing of the already-huge Everly Brothers and the release of their 1960 mega-hit "Cathy's Clown" saved the fledgling label from history's cutout bin.

That was the start of something big. By the 1970s, the Warner label family (which grew to include the Reprise, Atlantic, Elektra, and Asylum imprints) was number one with a bullet. In 1976, they moved over $1 billion worth of records—one out of every four records sold in the country.

Yet despite Cornyn's constant gestures toward *art pour l'art*, *Exploding* makes it clear that the suits who kept Warner huge from the mid '60s through the mid '90s didn't care about "the music" any more than did the banks holding on to the $16 billion in debt generated by the Time Warner merger.

When Warner began colonizing hippieland by signing the likes of the Grateful Dead, longtime Warner label chief Mo Ostin told Cornyn that he really prefers Andy Williams. Cornyn himself misses few chances to insult most of the rock music of the era he presided over, from punk to metal. Truth be told, he says, punk rock "felt to many of us like narrow streets in a Dickens novel, the kind with open sewers running down their middles."

Then there's hip-hop, the dominant pop style of the past decade. Cornyn admits that none of the Warner labels had any appreciation or understanding of the genre—a good part of the reason why the Universal Music Group, which did, now dominates the industry. The only music Cornyn expresses genuine love for is old-school jazz.

The past year or so has been especially hard on music companies. Sales of blank CDs have finally exceeded sales of new, prerecorded CDs—a trend that is widely taken to signal the end of the traditional industry as listeners arm themselves with cheap CD recorders and other copyright-busting technologies. Total music sales declined 3 percent in 2001—the first such decrease in the post-1991 SoundScan era of music sales tracking.

The Chicken Littles of today's music industry conveniently ignore history. That includes Cornyn, who memorably recounts the white-knuckle year of 1979, when industry losses totaled some $200 million. (Back then, cassette recorders, rather

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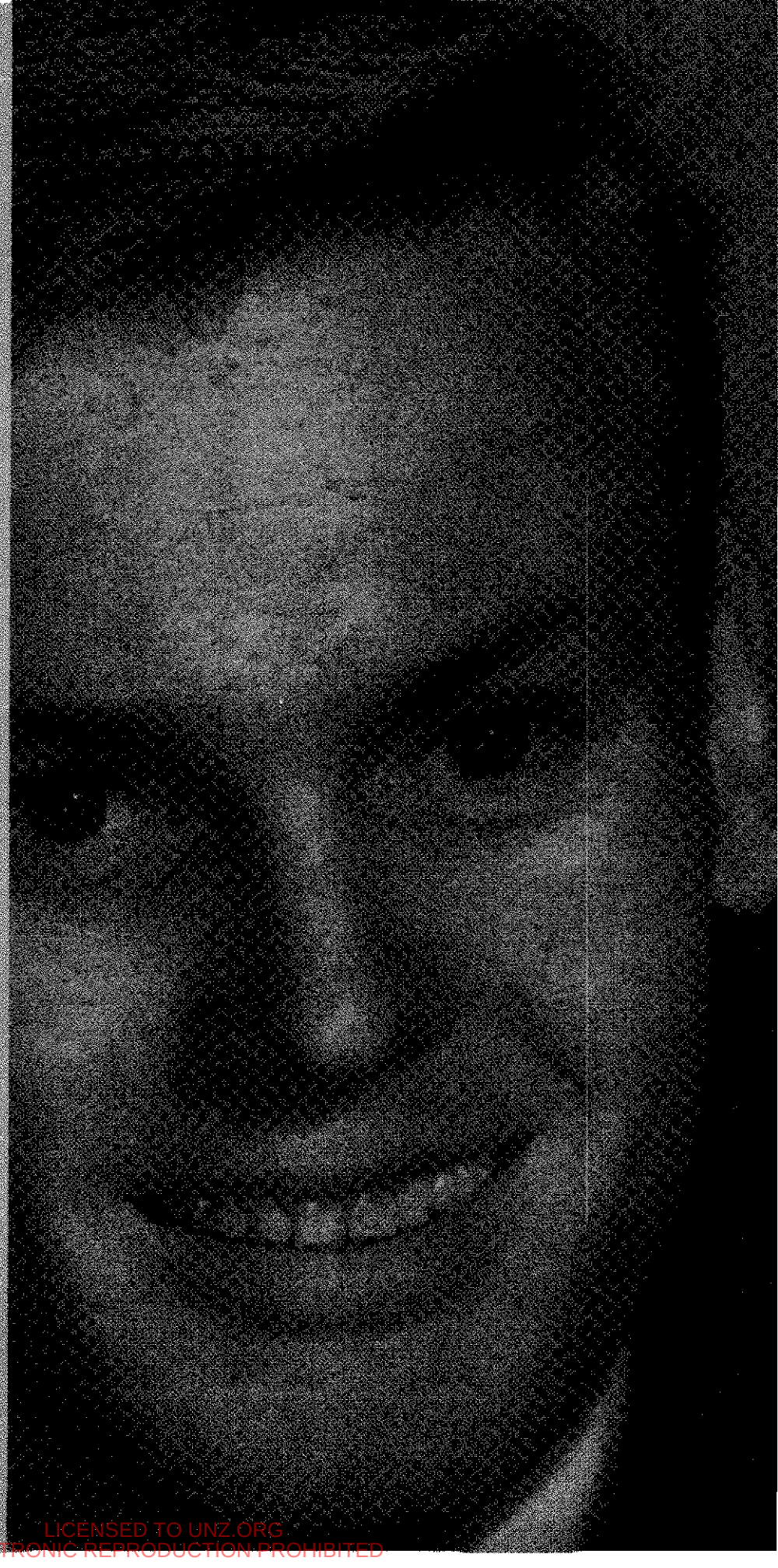
than CD burners, were seen as the culprit.) In his memorable telling, you can practically smell the coke and adrenaline-drenched sweat of industry weasels watching their fortunes dry up and blow away as new technologies and fickle fans threatened to put them out of work. But such history shows that a bad year or two does not the death of an industry make: For example, 1983 was the absolute worst year for the Warner Music Group, but 1987 was then their best. By 1989, a Dean Witter Reynolds analyst said of the newly merged Time Warner that "the record division is the engine of the whole company, and it's a huge cash generator."

Such reversals of fortune teach a valuable lesson. All the money that Warner—or any entertainment corporation—rakes in ultimately comes from selling a product that people want at a decent price. Given the key role the record division has played in keeping what is now AOL Time Warner afloat, it's sobering to realize that today's megacorporation might not exist if not for the trifling tune "Cathy's Clown."

Middlemen and execs—and the record labels that employ them—come and go, but performers will always make music and listeners will always want to hear it. Even—perhaps especially—in the freewheeling digital worlds of today and tomorrow, artists and audiences will find each other. Maybe middlemen such as Cornyn will end up losing out. But if they really care about the music, not the money, that shouldn't worry them a bit. ■

Brian Doherty (bdoherty@reason.com) is an associate editor of reason. *He runs his own record label that has fallen on hard times, Cherry Smash Records.*



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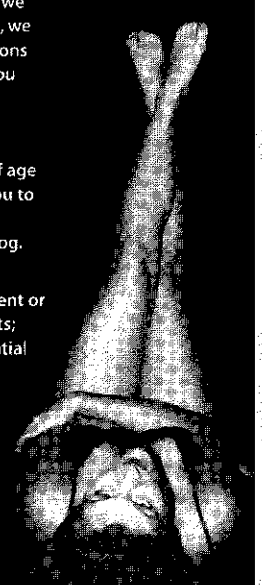

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› in which he sat in a studio and asked chatty questions of guests sitting in their homes.

Johnson saves his purest venom for the new media: "the disgraceful attack talk-radio programs" and Internet sites featuring "cranks, sensation-seekers, professional hit men, rumor-and-hate mongers, maliciously motivated ideologues." He sneers at Matt Drudge's claim of an 80 percent accuracy rate, which "even the least reputable newspaper or TV broadcast would deem unacceptable." In light of the many inaccuracies in his own book, Johnson should ponder a line from Matthew (the gospel writer, not Drudge): "For with what judgment ye judge, ye shall be judged: and with what measure ye mete, it shall be measured unto you."

Haynes Johnson once published a book about the 1980s whose title sums up his own approach to the 1990s: *Sleepwalking Through History.*

Johnson contends that Internet-generated bile has turned people away from public life, forgetting the many ways in which the Web fosters debate and discussion. In fact, if Johnson had wanted to find diverse and thoughtful criticisms of Internet news, he could have searched www.daypop.com and found it on a large number of Web logs that offer exactly what he claims is missing in cyberspace.

The book's longest section, "Scandal Times," offers a painfully detailed account of the Monica Lewinsky affair. Johnson purports to use it as a window on America's corrupt soul but along the way throws in reams of needless detail. In a taped conversation with Lewinsky, a footnote tells us, Linda Tripp confessed that she had gone seven years without sex. Johnson adds: "How relevant, or revelatory, that may be is beyond my capacity to determine." So unless his purpose is just to sling a bit of slime in Tripp's direction, why does he mention it in the first place?

Toward the end of this 212-page section, Johnson quotes *New York Times* reporter Francis X. Clines calling the story "a toxic waste dump of fetid ingredients and methane energies." It's hard to understand why Johnson needs so much space to reach a conclusion that nearly everyone else reached four years ago. Nevertheless, this portion of the book could serve a socially useful purpose: If American armed forces started reading it aloud to the Al Qaeda prisoners, they'd break in no time flat.

In light of the horrific events that occurred after Johnson wrote the book's last lines, his title does not seem so ironic after all. Even in the best of times, however, political life requires probing and subtle analysis, which you won't find here. Johnson once published a book about the 1980s whose title sums up his own approach to the 1990s: *Sleepwalking Through History.* ▮

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A World in Peaces

Thirty years after Vietnam, David Halberstam misses the best and the brightest.

Michael Young

War in a Time of Peace: Bush, Clinton and the Generals, by David Halberstam, New York: Scribner, 543 pages, $28

"For a brief, glorious, almost Olympian moment it appeared that the presidency itself could serve as the campaign. Rarely had an American president seemed so sure of reelection." And rarely could such an Olympian phrase, describing, of all people, the nondescript George Herbert Walker Bush, be penned by anyone other than David Halberstam.

Halberstam, author of several lofty and influential tomes on modern American history, has returned, armed with a laudatory blurb from Leslie Gelb of the Council on Foreign Relations. Gelb calls *War in a Time of Peace* "Halberstam's most important book, more ambitious and revealing than *The Best and the Brightest*, in what it tells of politics and decision making in America during the nineties.... What Halberstam has written is nothing less than a *War and Peace* for our generation."

Such are the strophes exchanged between America's intellectual divinities. Gelb's absurd allusion to *War and Peace* must have come from languidly contracting Halberstam's own title. Written before the events of September 11, *War in a Time of Peace* is commendable, but it has none of the virtuosity of Halberstam's Vietnam epic and its only Tolstoyan quality lies in sporadic references to Boris Yeltsin.

What Halberstam has done here is to examine U.S. decision making in the Balkans, with brief forays into Somalia and Haiti, during the Bush Sr. and Clinton administrations. He uses these episodes to illustrate America's inability, after the Cold War, to find an overarching foreign policy rationale to replace Soviet containment.

But Halberstam draws general lessons from too few cases. To truly understand America's foreign policy during the past 12 years, one must look at more than wars. America's most decisive international transactions after the Cold War were conducted peacefully. NATO enlargement, Bill Clinton's efforts to bring about Middle East peace, and U.S. policy toward China are all ignored by Halberstam. We are promised a profound investigation of America's post–Cold War behavior, written by an aficionado of the broad brushstroke. What we get are sketches that, however insightful, are limited in their overall relevance.

> Halberstam's skepticism toward government power is missing. He can't admit that those who should have imposed order abused their responsibilities.

Halberstam is at his best chronicling ruinous predestination. Vietnam was America's Greek tragedy. It was a war the republic entered, and stayed in, because of hubris. At every step of the way the U.S. was provided with a prophecy and an opportunity to retreat, but it rejected the advice of the gods despite almost certain defeat. That was the message in *The Best and the Brightest* (1972), and in Halberstam's earlier, prescient *The Making of a Quagmire* (1965). But the story he tells in *War in a Time of Peace* provides little opportunity for him to exhibit his gift for chronicling grand tragedy. George Bush and Clinton made third-rate Agamemnons. Unlike John Kennedy and Lyndon Johnson, they were always likely to emerge from their overseas dilemmas unharmed—such is the prerogative of a superpower without real adversaries. There was no epic quality in their foreign policy imbroglios.

In fact, both Bush's and Clinton's foreign policy aides spent much time looking for ways to *avoid* acting momentously. The Bush team longed for stasis even after the Berlin Wall fell. With the significant exception of the Gulf War, which was thrust upon the administration precisely because Secretary of State James Baker assumed that Saddam Hussein would avoid disrupting the equilibrium in the Gulf, Bush and his acolytes were devoted to constancy. The same could be said of Clinton, though his initial indifference to foreign affairs stemmed from yearning to reshape the domestic political and social landscape.

Yet the Balkans grabbed the U.S. by the lapels. During the waning months of the Bush administration, and again during the latter halves of Clinton's two terms, the U.S. would feel pressure to intervene in the Balkans. The results were mixed. Bush's point man on Yugoslavia—Lawrence Eagleburger, who was briefly secretary of state—succeeded in keeping the U.S. out of the country where he had once served as ambassador. Clinton had less luck: Both in Bosnia, after the appalling massacres of Muslims in Srebrenica in July 1995, and again in Kosovo in 1999, the U.S. entered the

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fray, because the spectacle of killing fields in Europe did not permit further isolation.

Two people emerged as the most ardent supporters of U.S. involvement in the Balkans: Richard Holbrooke, who as assistant secretary of state for European affairs played a key role in negotiating an end to the war in Bosnia, and Gen. Wesley Clark, who as NATO commander moved the Clinton administration toward employing military force in Kosovo. It is no coincidence that Halberstam focuses on those men: In challenging their environments they satisfy Halberstam's interest in those who buck the system, who are institutional subversives. Valiant dissidence is a common trait shared by those who enter Halberstam's more memorable biographical pantheon, such as the civil rights activist John Lewis or John Paton Davies, a China specialist purged from the McCarthy-era State Department.

Holbrooke, who had almost single-handedly imposed the Dayton accords on the parties involved in the Bosnian conflict, was too much the brilliant individualist to reach the top. A natural for secretary of state, he was nevertheless mistrusted by Clinton when it came time to select a successor to the comatose Warren Christopher. The president did not want someone too assertive on foreign policy, and deep down probably feared a rival Washington prima donna. Instead, he chose Madeleine Albright, a onetime academic destined for humble achievement.

Halberstam's account of Clark's career is similar. Like Holbrooke he was too smart by half, earning him the distrust of the military hierarchy. Clark was an Arkansas Rhodes scholar and a military success story, yet he never became "one of the boys" at the Pentagon. The tension reached a breaking point when Clark made his case for action in Kosovo to civilians outside the Defense Department. This angered Defense Secretary William Cohen and the Joint Chiefs, who opposed Balkan intervention. Clark won the day when the administration opted to fight, and he ultimately led a victorious campaign. His reward was to be stealthily fired by his superiors, most of whom did not even attend his retirement ceremony.

Halberstam's portraits of Holbrooke and Clark accentuate what Neil Sheehan has written: "[Halberstam] was a man who saw the world in light and dark colors with little shading in between." This makes him write so many of his biographical portraits in a heroic timbre. The characters Halberstam depicts cannot be commonplace; they are performers in the *Sturm und Drang* of history, rendered grand by the grand events that afflict them, so that their struggles become struggles with destiny itself.

This dramatic approach makes Halberstam an enjoyable writer. But this absence of shading, this incessant hunt for heroes and villains, can be a double-edged sword. In Halberstam's Vietnam books, it manifested itself in a sense of outrage at the way the war was eating up America's youth and its talented elite. The indignation was, naturally, directed against the administrations engaged in Vietnam, and more fundamentally at a government that often seemed to be criminally out of control.

Yet in *War in a Time of Peace*, Halberstam's skepticism toward government power is missing. While he has a weakness for subversives, he here exhibits a more dominant characteristic: a craving for order in U.S. foreign policy. But he can't easily make a case for order if he admits that those who should have imposed it—Clinton and his team—consistently abused their foreign responsibilities. How else can one describe Clinton's financial misconduct with China, his bombing of a medicine factory in Sudan, and his disastrous push for a premature Palestinian-Israeli settle-

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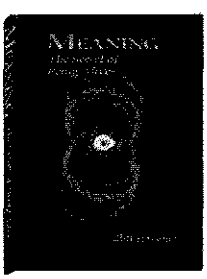

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ment in order to pad his frayed legacy? What we have is a paradoxical book: one where the U.S. is revealed to have had little foreign policy direction in the 1990s, but where the unprincipled officials responsible for this condition get off surprisingly easily, since Halberstam cannot censure the agents of his desired order.

Halberstam is also taken in by the institution he once so effectively demolished: the U.S. military. In several passages, he exalts the American weaponry used in the Balkans, particularly the latest Air Force technology. Like a Pentagon procurement brochure, Halberstam goes into lengthy descriptions of JDAMs (Joint Direct Attack Munitions, or "smart bombs"), the F-117, and the B-2 (which both "resembled bats, but the B-2, with a wingspan of 172 feet, resembled a bat on a diet of steroids"), replete with such military-porn terms as "collateral damage," "radius of accuracy," and "striking power." He seems to believe that high-tech air power is enough to win wars, a question that still generates angry debate in the armed forces.

Halberstam describes an institution whose bureaucratic instincts commonly clashed with the optimal policies, but he never digs deep enough to determine if there was something fundamentally flawed in the armed forces during the period under consideration. And yet a military institution that so grudgingly engaged in combat in the 1990s was no less anomalous than the one that sought out war at any cost in Vietnam.

Halberstam would not necessarily have written a better book by mocking the armed forces. But he seems to be a creature of the *Zeitgeist*. When he previously wrote critically of the U.S. foreign policy powers-that-be, his suspicions of state power were more pervasively shared than similar suspicions would be today. The rebels of yesterday—which for Halberstam means those, like he, who disputed U.S. policy in Vietnam—became the establishment during the Clinton years. These were the same people who, directly or indirectly, were once Halberstam's allies. So when he describes in his acknowledgments his love for writing "about serious subjects for serious citizens," one gets a disquieting sense that this conceited statement is partly directed at the acquaintances who are also the subjects of his book.

It might seem that *War in a Time of Peace* was rendered anachronistic by September 11, when the U.S. embarked on a secular crusade against myriad axes of evil, ending a decade and more of foreign policy floundering. Not entirely. Halberstam outlines a period when America's strategy overseas suffered from an absence of meaning. But what Bush and his entourage, and Halberstam for that matter, cannot quite grasp is that foreign policy meaninglessness is a splendid luxury, not something to be lamented.

For the U.S. establishment, the Cold War gave foreign policy pervasive significance. Where Halberstam describes the vacuum that followed the collapse of containment, George W. Bush has used the events of September 11 to fill this vacuum. But are Americans eager to follow? Most were happy to enjoy 10 years of peace, when foreign policy commitments only marginally disturbed their daily lives. What made September 11 traumatic was that it broke this tranquil, parochial lethargy—a lethargy most Americans today doubtless crave, regardless of how the administration (and "national greatness" thinkers of all stripes) exploit September 11 to advance an agenda of intercontinental browbeating.

Though George W. Bush has been depicted as a man of popular tastes, his mood since the attacks has differed from that of many of his countrymen. The president has developed an appetite for world supremacy. Apparently, you can take the president out of the empire, but you can't take the empire out of the president. Bush and his administration seem firm in the belief that America has a mission to set the world straight. It is unfortunate that Halberstam, who wrote so luminously about the hazards of American overconfidence in Vietnam, should regret the loss of this particularly dangerous sense of mission. ◼

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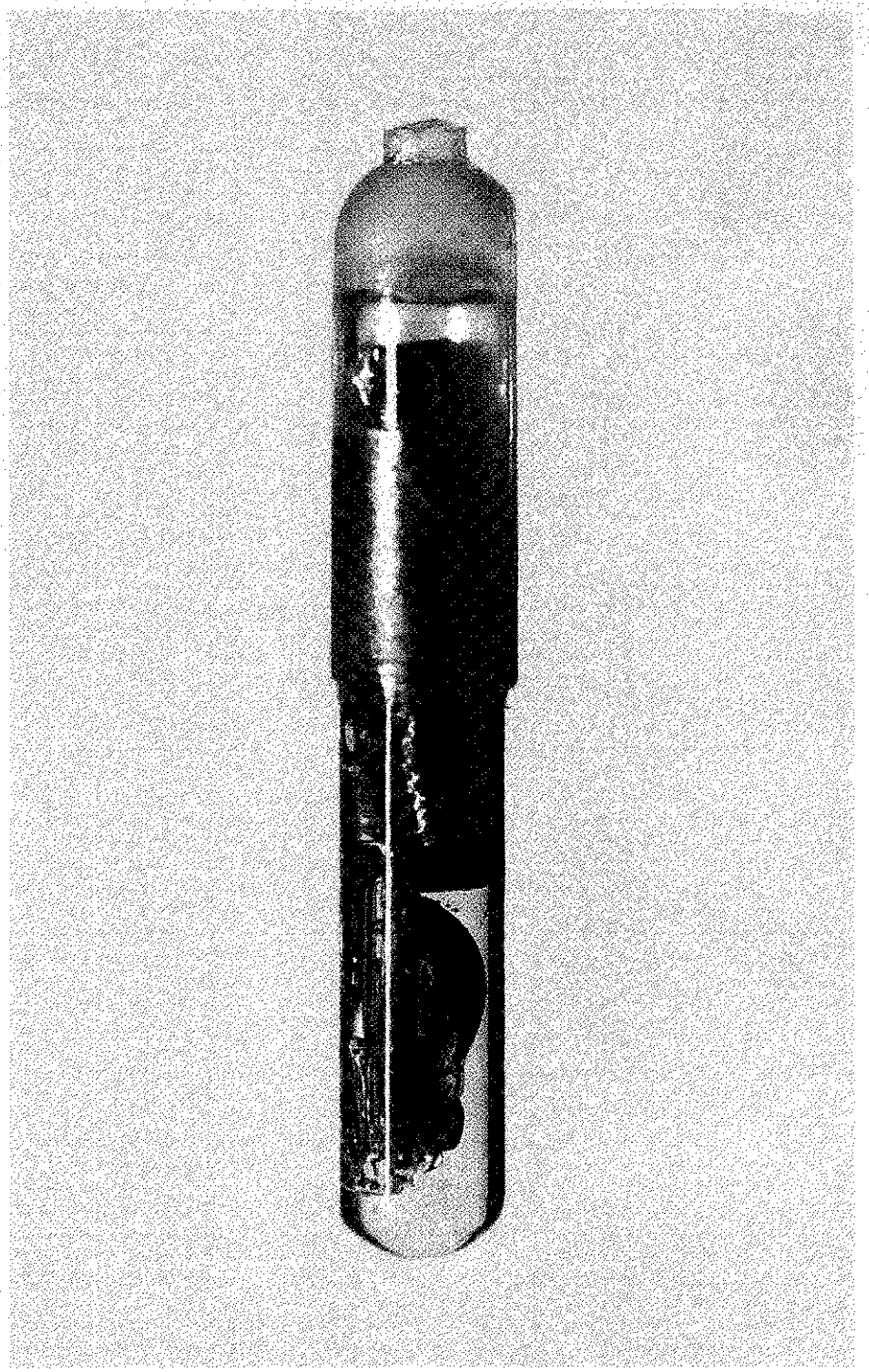
Skin Deep

Jesse Walker

Behold the VeriChip, a new device the size of a grain of rice. Once implanted in you, it stores personal information and transmits it to a voyeuristic scanner. Its maker, Applied Digital Solutions, is marketing it to the medical industry, though it has noted other potential applications, including "enhancement of present forms of identification" and "various law enforcement and defense uses."

Interviewed by *Wired News*, company president Scott Silverman mentions one more target market: "Generation Y people who want to get chipped because they think it's cool." Is this what happens when *The X-Files* gets cancelled? Voltaire once said—I paraphrase—that if evil alien overlords did not exist, it would be necessary to invent them. If they did exist, though, would it really be necessary to embrace them?



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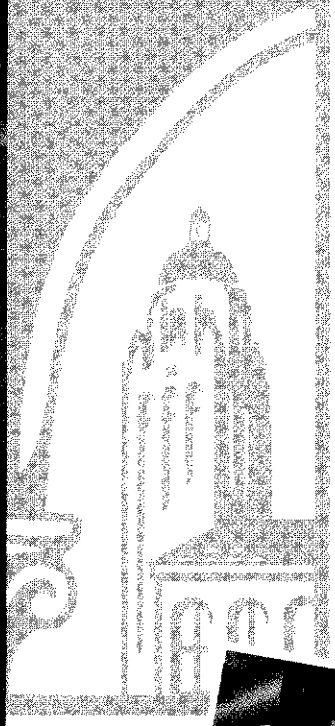
Supporting the Drug War Supports Terrorists

David R. Henderson is a research fellow at the Hoover Institution and an economics professor at the Naval Postgraduate School in Monterey, California.



Paid for by the Hoover Institution, Stanford University.

In recent months, the United States government spent $10 million of our tax dollars for its latest antidrug campaign. Its new pitch: if you buy illegal drugs, you're supporting terrorists because terrorists are intimately involved in the production, sale, and distribution of drugs. Guess what? I agree. People who buy illegal drugs do support terrorists. But here's what the government leaves out: **by making drugs illegal, the government is supporting terrorists even more.**

Have you ever wondered why terrorist groups get involved in the illegal drug market and not, for example, in the legal market for Coca-Cola, soap, or envelopes? The inaccurate answer that many people give is that the profits in dealing drugs are incredibly high, which attracts criminals. But profits are not incredibly high, once you adjust for risk: people in that trade have a nasty tendency to die or go to prison, and they insist on being compensated for that risk. Besides, if high profits were what attracted criminals, why don't those same high profits attract normal investors?

No. The reason terrorists get involved in illegal drugs is that they are criminals; once a market is made illegal, the high risk-adjusted prices of the illegal good reward those with "criminal skills." One such skill is the ability and willingness to murder people. That's why organized crime took over the liquor industry during prohibition—and quickly exited when prohibition ended.

Moreover, the United States government is effectively supporting left-wing terrorists in Colombia. How so? Say you're a Colombian coca producer trying to make a peso. Working against you are Colombia's military and police, pressured by U.S. government subsidies and threats and aided by U.S. military personnel and equipment. The first thing you want is protection, and the place to go for protection is to antigovernment people with guns who know how to fight. Two such groups are the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), both revolutionary leftists. You don't have to be a left-wing ideologue yourself to decide to pay them protection money, which is just what many coca farmers and cocaine producers do.

By one estimate, the revenue to FARC from drug-related sources is more than $600 million a year, which would make it the best-funded terrorist group in the world. Thus, **the war against drugs actually strengthens the position of the leftist insurgents.**

These insurgents have terrorized Colombian society. Between 1981 and 1986, for example, drug traffickers murdered more than fifty Colombian judges, including twelve supreme court justices. Colombian citizens are also terrorized: more than one million of them emigrated in the past five years. If a similar percent of Americans did the same, we would lose fourteen million citizens—almost half California's population.

A more informative ad line from the U.S. government would be: "When you support the drug war, you're supporting terrorists."

— David R. Henderson

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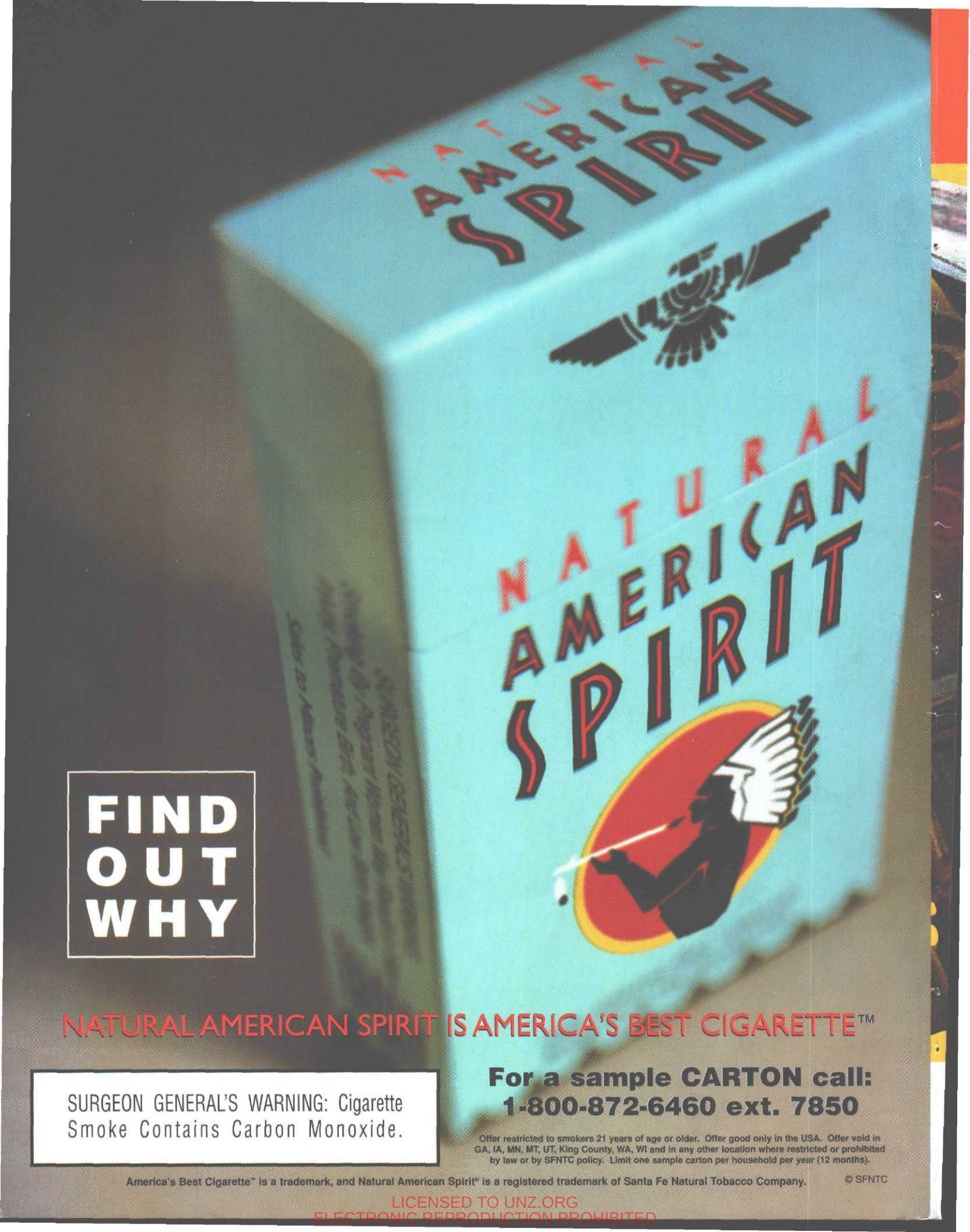
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